

**TOWN OF FALMOUTH**  
**SELECT BOARD**

**AGENDA**

**MONDAY, OCTOBER 4, 2021 – 7:00 P.M.**

**SELECT BOARD MEETING ROOM**

**TOWN HALL**

**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

**7:00 p.m. OPEN SESSION**

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Community Media Day – October 20, 2021
4. Recognition
5. Announcements
6. Introduction and welcome of new Diversity, Equity and Inclusion Officer Jacquelyn Hartman
7. Vote to affirm appointment of Building Commissioner
8. Public Comment

**7:15 p.m. SUMMARY OF ACTIONS**

1. Administrative Orders
  - a. Acting as Trustees of the Falmouth Affordable Housing Fund, Vote on amended application for \$260,000 from Falmouth Housing Trust for 3 units of affordable single-family houses at 55 Lewis Neck Road
  - b. Vote to approve expenditure from the Library Department Donation Account in the amount of approximately \$2,000 for the replacement of book trucks
  - c. Authorize letter of support for WHOI grant request to U.S. Economic Development Administration for CWater Project
  - d. Authorization for Town Manager to pursue language in the State’s ARPA bill that would include Blue Tech as a funding category and add Falmouth as an eligible municipality

**7:30 p.m. PUBLIC HEARINGS**

1. Vote Intent to Layout as a Town Way and Assess Betterments for Winthrop Drive (East side) (15 minutes)

**7:45 p.m. BUSINESS**

1. Discussion/update on COVID-19 issues (10 minutes)

**7:55 p.m.**

2. Discussion and Authorization to demolish dilapidated buildings on Andrews Farm parcel (10 minutes)

**8:05 p.m.**

3. Report – School Committee (15 minutes)

**8:20 p.m.**

4. Vote to Appoint Kevin Casey as the Disabled American Veterans (DAV) Representative to the Veterans Council Committee (5 minutes)

**8:25 p.m.**

5. Northwest fire station (Town Meeting Article #12), discussion and potential vote on next steps (15 minutes)

**8:40 p.m.**

6. Vote article recommendations for November 2021 Town Meeting (15 minutes)

**8:55 p.m.**

7. Interim wind turbine report (10 minutes)

9:05 p.m.

8. Review and Vote to Approve Minutes of Meetings (5 minutes)
  - Public Session – August 30, 2021 and September 27, 2021

9:10 p.m.

9. Individual Select Board Members' Reports (5 minutes)

9:15 p.m.

10. Town Manager's Report (5 minutes)

Douglas C. Brown, Chair  
Select Board

**OPEN SESSION**

**3. PROCLAMATION – Community Media Day – October 20, 2021**



## Community Media Day A Proclamation

WHEREAS, the open sharing of ideas and information helps to build common understanding and encourage civic engagement; and

WHEREAS, access to information in today's media environment is critical for the healthy functioning of our community; and

WHEREAS, Falmouth Community Television (FCTV) provides a means for diverse communities to tell their stories, hear each other's stories, and create new stories together; and

WHEREAS, FCTV provides information to the community that is not covered by mainstream commercial media; and

WHEREAS, FCTV provides its members with the skills necessary for the creation, sharing, and consumption of knowledge and ideas through media; and

WHEREAS, FCTV is an essential resource for participating in local democratic policy and processes, ensuring transparency in government through live, uninterrupted coverage of municipal meetings; and

WHEREAS, FCTV provides timely, critical local information to promote public health and safety during the current pandemic and other emergencies; and

WHEREAS, FCTV connects community organizations, schools, and local governments to their constituents; and

WHEREAS, the community benefit from increased general awareness of, viewing audiences for, local media content and vital information created by and for the community;

**NOW, THEREFORE, BE IT RESOLVED** that **October 20, 2021** is hereby proclaimed as **Community Media Day** within Falmouth, and all people are hereby called upon to promote the importance of media training and local programming available on FCTV Channels 13, 14, & 15, and online distribution platforms; and

**BE IT FURTHER RESOLVED**, that Falmouth Community Television plays a vital role in the building of our community by encouraging conversations about our common interests, increasing discourse around policy issues, fostering understanding of local cultures, and sharing information to improve our lives.

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Douglas C. Brown, Chair

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Megan English Braga

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Nancy R. Taylor, Vice Chair

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Onjalé Scott Price

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Samuel H. Patterson

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SELECT BOARD

## **OPEN SESSION**

- 6. Introduction and welcome of new Diversity, Equity and Inclusion Officer Jacquelyn Hartman**

**OPEN SESSION**

**7. Vote to affirm appointment of Building Commissioner**

**DAVID F. LOVERING**

Highly motivated, professional and energetic leader in residential and commercial construction with a career spanning more than thirty years. Beginning as an Apprentice Carpenter and continuing in the field as a Lead Carpenter, Master Carpenter and Project Superintendent. My interest in Building Codes and Zoning Bylaws led to my certification as a Massachusetts Local Inspector and a Massachusetts Building Commissioner. A believer in professional development through consistent training to remain current with changing building codes, zoning bylaws, new construction methods and materials.

Commonwealth of Massachusetts and International Code Council Certified Building Commissioner with a full working knowledge of the Massachusetts State Building Code 780 CMR, Massachusetts Amendments, applicable ICC Codes and M.G.L. 40A. A proven and successful record of accomplishment in building code and zoning enforcement in several Massachusetts communities including what has been classified as one of the toughest jurisdictions in the Commonwealth of Massachusetts.

**CERTIFICATIONS**

NFPA Hot Work Certification 51470

DFS Certified Crowd Manager

NARRSO Member

NARRSO - Level One Amusement Ride Inspector

OSHA HAZWOPER 40

OSHA 10

Safety Assessment Program Certification State of California

Certified Building Official/Building Commissioner Commonwealth of Massachusetts - 2010

International Code Council Building Commissioner - 2010

Certified Local Building Inspector Commonwealth of Massachusetts - 1999

International Code Council Certified Building Official and Member 5177226 - 1999

BOCA/SBCCI Building Inspector - 1999

NFPA Member - 1999

Department of Public Safety Unrestricted Construction Supervisor 060693 - 1993

**NeighborWorks Southern Mass**

**Construction Manager - July 2017-Present**

Responsible for the management of residential and multifamily construction projects utilizing CDBG and HOME funds. Duties include the identification of building/health code violations and the presence of lead based paint at the initial inspection, generating project specifications, contract documents, oversight and scheduling of general contractors and subcontractors and liaison between homeowner and contractor. All work supervised and performed pursuant to DHCD, HUD and the Commonwealth of Massachusetts regulations. Perform duties of Clerk of the Works (CoW) responsible for the daily reporting and documentation of in construction projects ranging in costs of 1M- 40M. Most recently completed CoW duties and responsibilities on a 40M 186K SQ FT podium building containing 140 units. Project duration was 15 months.

**Seaport Construction North, LLC. East Kingston, New Hampshire**

**Owner - December 2010-Present**

Owners Project Manager, Clerk of the Works, Project Management, Planning, Building Code and Zoning Review, Permitting Services.

**RECOMMENDATIONS**

Dale Gienapp, Architect

Daniel Gelinas, Structural Engineer

Robert Sinibaldi, Building Commissioner

[REDACTED]

[REDACTED]

[REDACTED]

**PLH**

**Production Manager/Site Superintendent - May 2016-July 2017**

Production Manager responsible for planning and implementation of production schedules for projects, review and adjust schedules, responsible for work crew coordination, implementation and adherence to safety procedures, prepare and maintained field reports, scheduling and supervision of subcontractors, material vendors, coordination of local inspectors for code compliance and approvals, coordinate weekly construction meetings and full documentation from project start to project completion including maintaining accurate red-line drawings.

**Nangle Engineering Incorporated Danvers, Massachusetts**

**Project Manager - April 2014-March 2015**

Project Manager responsible for public and private fire alarm systems, natural gas and diesel generator installations, security systems and electrical upgrade projects under the direct supervision of Gary Nangle, P.E. Duties included project specifications, material submittal review, field management, processing of applicable DHCD, HUD and AIA documents. Performed pre-bid inspection site visits, pre-construction meetings, periodic construction meetings, progress inspections, punch list inspections and final inspections pursuant to DHCD and HUD regulations.

**Town of Salisbury Massachusetts**

**Building Commissioner / Zoning Compliance Officer - September 2009-April 2014**

Department Head responsible for supervising a staff of five Inspectors and one administrative assistant. Responsible for the enforcement of the provisions of 780 CMR the Massachusetts State Building Code, M.G.L. 40A, the Town of Salisbury Zoning Bylaws and all other applicable Town Ordinances. The review of building permit applications, specifications and building plans for commercial, industrial and residential construction projects. The inspection of all types of building construction, the issuance of building permits for new construction, alterations, repairs and annual inspections.

**Town of Rowley Massachusetts**

**Building Commissioner / Zoning Compliance Officer and Zoning Administrator - November 2008-April 2010**

Department Head responsible for supervising a staff of five Inspectors and one administrative assistant. Responsible for the enforcement of the provisions of 780 CMR the Massachusetts State Building Code, M.G.L. 40A, the Town of Rowley Zoning Bylaws and all other applicable Town Ordinances. Appointed as Zoning Administrator for the Rowley Zoning Board. The review of building permit applications, specifications and building plans for commercial, industrial and residential construction projects. The inspection of all types of building construction, the issuance of building permits for new construction, alterations, repairs and annual inspections.

**Seaport Construction Group, Inc. Amesbury, Massachusetts**

**Owner/Site Superintendent - January 2001- December 2010**

General Construction Firm specializing in high end residential, light commercial construction projects and project management services. Supervision of in house staff of up to twenty (20) employees and office personnel as well as numerous subcontractor trades. Projects ranged between \$500K-2.5M and included coastal construction, historic preservation, design build and custom millwork and cabinetry. I performed the duties and responsibilities of Project Superintendent including the project schedule, supervision of the day-to-day field labor force, company safety plan and policies, project schedules, coordination of subcontractors, and architects and engineers. Coordination of 3rd party quality control, site testing, and inspections, maintained daily reports as required on all assigned projects, responsible for tracking, approving, and collecting time and material reports for subcontractors, maintained accurate red-line drawings and documentation throughout projects in preparation for turnover packages, prepared updates for project meetings including preconstruction, progress and closeout as required. Generate estimates and prepare clear written proposals for change orders, participate in company trainings and staff meetings, coordination with local municipal and state permitting authorities and inspection requirements and procedures pursuant to code requirements from project start to completion and turnover.

## **SUMMARY OF ACTIONS**

### **2. Administrative Orders**

- a. Acting as Trustees of the Falmouth Affordable Housing Fund, Vote on amended application for \$260,000 from Falmouth Housing Trust for 3 units of affordable single-family houses at 55 Lewis Neck Road



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## MEMORANDUM

TO: Select Board

FROM: Julian M. Suso, Town Manager

CC: Community Preservation Committee  
Carla Feroni, Housing Coordinator  
Frank Duffy, Town Counsel

DATE: October 1, 2021

RE: Falmouth Housing Trust – Lewis Neck Road Parcel C2 Application to Falmouth Affordable Housing Fund

On February 22<sup>nd</sup> of this year the Select Board voted to award \$260,000 to the Falmouth Housing Trust (FHT), a private, non-profit housing developer, for 4 deed restricted affordable single-family homes on a 1.16 acre parcel on Lewis Neck Road. Since that time, the Falmouth Housing Trust has amended its application to the Falmouth Affordable Housing Fund and is now seeking to construct 3 affordable single-family homes rather than 4. All 3 units are 3-bedroom houses of which one will be for households with an income of no more than 100% of Area Median Income and 2 units for households with an income of no more than 80% of area median income.

The amended application seeks \$86,667 per house for a total of \$260,000 as compared to the original award which was for \$65,000 per house. The FHT notes that paving costs have been added to the project budget and construction costs have escalated dramatically in the months since the original award was approved by the Select Board acting as Trustees of the Falmouth Affordable Housing Fund. The funding award approved by the Select Board in January was conditioned on Lewis Neck Road being paved with drainage structures installed. These road improvements have now been completed – the road is paved to a width of 18 feet and drainage installed.

The Falmouth Affordable Housing Fund Working Group reviewed this amended application and recommends approval. The subsidy per unit is within the Guidelines established by the Board for the FAHF. I support the Working Group recommendation.

### Attachments:

- Original Funding Recommendation, Suso 10/11/2021
- FHT Amended Application for Funding 04/12/2021

## MEMORANDUM

TO: Select Board  
FROM: Julian M. Suso, Town Manager



CC: Community Preservation Committee  
Carla Feroni, Housing Coordinator  
Frank Duffy, Town Counsel

SUBJECT: Falmouth Housing Trust – Lewis Neck Road Parcel C2 Application to  
Falmouth Affordable Housing Fund

DATE: January 11, 2021

Board Members may recall that the Falmouth Housing Trust, a private, non-profit housing developer, submitted an application for a comprehensive permit under MGL C. 40B for 4 affordable single-family homes on a 1.16 acre parcel on Lewis Neck Road. This proposal was reviewed by the Board at a meeting with the applicants on 07/14/2020 at which the Board authorized me to send the attached project eligibility letter to Mass Housing. Increasing the supply of housing to meet the needs of the entire community continues to be a priority for the Board and is referenced in the Strategic Plan. The project eligibility letter of 07/15/2020 outlines the proposal and notes some concerns raised by staff and the Planning Board with regard to access. The Planning Board has placed a covenant on the parcel which Town Counsel has opined limits potential development of the parcel to one single-family residential structure. The project eligibility letter of 07/15/2020 asks the FHT to work with abutters to have Lewis Neck Road widened and improved to facilitate safe access for the 4 proposed single family houses as well as those already present.

The Falmouth Housing Trust (FHT) has applied for funding in the amount of \$260,000 for 4 affordable housing units from the Falmouth Affordable Housing Fund (FAHF) of which the Select Board are the Trustees. The attached application package provides full details of the proposal. The proposed unit summary appears in the table which follows.

### Unit Summary Table

Two 2-Bedroom Units	Two 3-Bedroom Units
1,071 Sq. Ft.	1,551
1 Unit 80% AMI*	1 Unit 80% AMI
1 Unit 100% AMI	1 Unit 100% AMI

\*AMI: Area Median Income

On 12/1/2020, a meeting was held with FHT representatives, the FAHF Working Group and myself to review the application for funds. FHT and the Town both had legal counsel present so the questions regarding access and the implications of the covenant could be addressed. It was noted that the Planning Board recently issued an access determination for a parcel abutting the FHT property on Lewis Neck Road which requires that the full length of the road be paved with drainage improvements in order to develop one single-family house on this abutting parcel. The FHT representatives were aware of this access determination and stated that FHT has agreed to contribute to the cost of these roadway improvements if they are undertaken. Town Counsel indicated that such roadway improvements may effectively render the restrictions of the covenant moot.

We note that the unit mix is well targeted to the needs identified in the Housing Production Plan which calls for 50% of single-family houses to be 3-bedroom and 50% 1- or 2-bedroom. In light of the urgent housing needs of the Falmouth community and consistent with the recommendation of the FAHF Working Group, I recommend that the Board approve the full amount of the FHT request of \$65,000 per unit for 4 affordable units and that this award of funds be conditioned on completion of the roadway improvements detailed in the Planning Board access determination voted 11/10/2020 for the abutting parcel – Assessor’s Map #40 03 001B 000B and subject to any further terms which will be detailed in a commitment letter from the Town Manager following Select Board consideration and action.

#### Attachments:

- Project Eligibility Letter, Suso 07/15/2020
- FHT Application for Funding

# FALMOUTH AFFORDABLE HOUSING FUND

Established by Ch. 29 of the Acts of 2011  
Board of Selectmen, Trustees

59 Town Hall Square  
Falmouth, Massachusetts 02540  
(508) 495-7344

## AFFORDABLE HOUSING FUND APPLICATION-Amended

### General Information

Project Name: Lewis Neck Road Affordable Workforce Project

Project Location and Parcel ID#: Lewis Neck Road 40 03 001C 002C (55 Lewis Neck Road)

Type of Project: 3 single family affordable deed restricted homes

Applicant(s) name/ Organization: Falmouth Housing Trust, Inc.

Contact Person: Karen Bissonnette

Mailing Address: P.O. Box 465, Falmouth, MA 02541

Telephone Number: 508 274-1651

Email Address: kb@falmouthhousingtrust.org

### Property Ownership

Legal Property Owner of Record: Falmouth Housing Trust, Inc.

Is the owner the applicant? yes

If not, does the applicant have site control or written consent of the property owner to submit an application? If yes, attach documentation. Without this documentation the project will be ineligible for funding for this applicant.

For projects that have an acquisition expense the applicant must provide an appraisal from an independent party that justifies the acquisition cost.

### Development Team

Please submit as attachments the resumes of the development team and a list and description of affordable housing projects completed by the applicant. Karen Bissonnette, Joanne O' Sullivan, Addie Drolette, David Garrison, Troy Clarkson, Tom Manchester

### Project Information

Describe the proposed project including:

Project Style:

Type of Units (condo ownership, fee simple ownership, rental, etc.): 3  
Single-Family Owner-Occupied  
Homes with fee simple ownership  
with a permanent affordable  
deed restriction

Total Number of Units: <u>3</u>	Number of BRs <u>Three</u>
Number of Market Units: _____	<u>3-bedroom- 1,551 sq/ft</u>
Number of Affordable Units: <u>3</u>	Number of BRs:
Proposed Sale Prices/Rents: _____	<u>Two-80% AMI @ \$230,000</u>
Proposed Condo Fees: _____	<u>One-100% AMI @\$270,000</u>

Proposed % of AMI target beneficiaries: 80% and 100%

Describe how this project addresses the unmet affordable housing needs of the community as identified in the Town of Falmouth *Housing Demand Study & Needs Analysis (2014)* and the Town of Falmouth *Local Comprehensive Plan (2016)*.

Falmouth Housing Trust (FHT) is requesting to amend our Falmouth Affordable Housing Fund application which was originally submitted in June 2020.

FHT began this project over two years ago and met with the Town Planner on April 3, 2019 with plans to build 4 homes on this 1.1-acre lot. Needless to say, a great deal has happened in the past two years and FHT has modified its plan. Attached you will find a very thoughtfully laid out site plan for three, 3-bedroom homes.

As you know, FHT was granted a site approval letter from MassHousing to construct four houses on this lot. Four houses per acre is the recommended density outside of the Village Center according to the affordable housing guidelines for the Town of Falmouth.

Taking into account the current circumstances and communicating with abutters, FHT thought it would be prudent, less controversial and the right thing to do, to build only three houses.

Michael Busby at MassHousing has been notified and will issue a corrected letter upon request.

As we all know, many obstacles were thrown in our path and it has taken significantly longer to get to this point than we had anticipated. FHT has submitted a 40B Comprehensive Permit application to the Zoning Board and the hearing is set for May 13.

As was stated in FHT's Letter of Intent for the 2 Esker Place project, building costs during the past year has increased significantly with no end in sight.

According to Greg Souza at The Wood Lumber Company, the current price of a sheet of plywood is \$56.56. This same piece of wood was \$29.97 in January 2020. This is an \$88.7% increase. Also, currently an 8ft 2x4 is \$9.66 and this same piece of lumber was \$4.34 in February 2020. This is a 123% increase in price.

Greg also commented that prices are forecasted to remain at this level for some time for several reasons: People have receive stimulus checks and are using them for home improvements; over 6,000 homes were destroyed in last year's California fires and those people are getting their insurance checks and are rebuilding; insurance money is being distributed to those who lost homes and businesses in last year's hurricanes in the south and the damage done by freezing conditions in Texas have added to the building frenzy. All of these factors are contributing to the continued demand for supplies and inflated prices. Consequently, it costs more to build homes with no relief expected in the near future.

The reality is that because of the increase in prices to build, the actual cost to build just the three houses is more then it would have been a year ago to build the four we had initial planned on.

It is for this reason that FHT is asking the Affordable Housing Fund to recommend to the Community Preservation Committee to allow us to use all of the \$260,000 that was recommended by the Community Preservation Committee and approved by the Select Board for the Lewis Neck Road Project.

In addition to the increase in building costs, FHT had other unanticipated legal fees and its share of the cost to pave the road which was a requirement of the Town.

We recognize that FHT's request of \$86,666 per home is more than what has been given in the past. Extraordinary times call for flexibility and out of the box thinking.

There remains an affordable housing crisis in this community and Falmouth's lack of affordable housing has been exacerbated by the COVID Pandemic. We have seen median house prices rise 18% to \$500,000. Residents are now competing with those who earn Boston, Connecticut and New York salaries. These people are paying higher than asking price and with cash. Barnstable County's median family income is 10% less than the median family income in the Commonwealth and residents here can't compete. The wealth gap that continues to widen is not a sustainable model for our region and should concern all of us.

This project addresses the affordable needs of the Town in accordance with the Falmouth Affordable Housing Fund Board of Trustees' 2019 Funding Priorities by creating affordable housing that is consistent with many of the Commonwealth's Sustainable Development Principles

- by creating affordable housing with an increased density that is compatible with

- surrounding homes and neighborhoods
- by meeting criteria of the Target Populations by providing housing for low-income households
- by providing housing for larger families needing 3+bedrooms
- by creating homes for first time buyers
- by providing workforce housing with income up to 100% of AMI for units in excess of the 25% required by a comprehensive permit
- by creating more affordable units than proposed and required through Comprehensive Permit Applications

Also, this project is line with the Housing Production Plan's stated need for 70+ housing units per year. The Plan calls for 15% of the goal to be single family homes or 56 houses. Since the Plan was approved over two years ago, only one single family home has been completed and occupied. Fortunately, there are several under construction however, even when those are completed, the goal will not be met. Furthermore, creating more housing aligns with Governor Baker's Housing Choice goal of 135,000 new housing units in the Commonwealth over the next four years.

Clearly, the demand for housing continues to increase and according to the Housing Needs and Demand Analysis Falmouth needs more than 500 homes over the next few years to meet this demand. Falmouth Housing Trust's mission is to build workforce housing for young people and families. The lack of affordable housing contributes to the loss of our young workforce—many of whom are low-to-moderate income people who provide essential services to our community. As Falmouth's young workforce has decreased, our population continues to grow older; the number of age dependent people (children and those 65 and older) is larger than our working population. This is an unhealthy ratio for any community; all communities need a diverse, productive workforce to thrive.

The recent closure of the Falmouth Hospital Maternity and Pediatric units and the decrease in school enrollment are harsh reminders of the lack of people in Falmouth and the surrounding areas of child bearing age. No community can survive without a young population.

By losing or not attracting this demographic, our community is losing the diversity, vibrancy, and contributions that this population brings which effects our local economy and threatens our quality of life. Falmouth's lack of affordable housing is an obstacle to attracting and retaining a young and talented workforce. To retain this population, our low-to-moderate income residents must have housing they can afford. Because Falmouth Housing Trust recognizes the value of this demographic to the health and composition of our town, creating affordable housing for this population is our sole priority. By providing affordable workforce housing, FHT helps to retain this valuable populace that makes our community

vital, healthy and economically strong.

**Site Information**

Please provide a description of the surrounding area and community profile including a description of the current site characteristics, zoning, environmental, and any regulatory requirements or constraints. Attach a map and photos of the project site and neighborhood along with any zoning/permitting relief required.

Lewis Neck Road is a private road with single family homes. It is accessed off of Acapesket Road onto Irene Avenue and is at the end of Irene Avenue. There are currently six homes on Lewis Neck Road ranging in house size from 754 square feet to 3,500 square feet, lot size at about an acre a piece and built between 1930 and 1997. Irene Avenue, which is the only road available to access Lewis Neck Road, also has six houses on it, all of which have .30 acre lots and range in size from 884 square feet to 1,700 square feet. On Harborview Drive which is directly behind this property, there are 8 houses that sit on lots under .20 acres of land.

**Building:** The project requires a Comprehensive Permit from the ZBA

**Zoning:** Residential C

**Health:** Perc test was done with favorable results. A conventional septic system will be done for each house lot.

**Conservation:** Building will not impact any area subject to Con Com jurisdiction

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**Infrastructure:** There is Town water on the street as well as electricity

**Amount of FAHF Request:** \$260,000

### **Project Feasibility**

Attach project budget information on the included Attachment A –OneStop 2000 Affordable Housing Finance Application Sections 3: Sources and Uses and Section 4: Budget Pro Forma together with at least one bank letter of reference. Attached

### **Community Outreach**

Provide a description of the applicant efforts to engage the community members through outreach, meetings, and other educational initiatives.

A letter was sent to abutters to solicit their questions about the project and there have been discussions and in person meetings.

Falmouth Housing Trust will work with Housing Assistance Corporation to do the Affirmative Marketing and lottery for this house and at that time will promote these opportunities to Real Estate Agents as well as to Housing Advocates.

We have also approached philanthropic members of our community to help FHT secure the funds to complete this project. Donors like the idea of a public private partnership to provide more housing and only through the generosity of community members and FHAF/CPC funds will this and future projects be feasible. At the March 12, 2020 and the March 11, 2021 Annual CPC Needs Assessment Hearings, the CPC Committee concurred that affordable house was their priority.

As the demand for affordable housing increases it will be crucial for generous community members to be involved.

We continue to raise money for our New Projects Fund. In addition to the proposed FAHF request of \$260,000, FHT will be using \$300,000 that has been raised through philanthropy. This means that FHT is asking the Town for 19% of the cost of the entire project to acquire the land and build the 3 affordable deed restricted homes and FHT will be responsible for 22% of the money needed for this important project.

Also, we are working with several very community minded vendors with the hope that they will provide some of their services as Gift-in-Kind donations.

### **Development Schedule**

Describe the timeframe for the proposed project and how it will be implemented. Provide a timeline for all project milestones included as *Attachment B – Project Schedule*.

### **List of Attachments**

One Stop Affordable Housing Finance Application  
Builder's quote  
Site Plan  
Project Schedule

If you have any questions, please do not hesitate to contact Carla Feroni at 508 495-7344 or at the email address below.

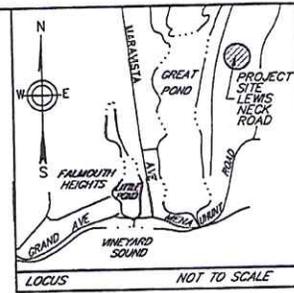
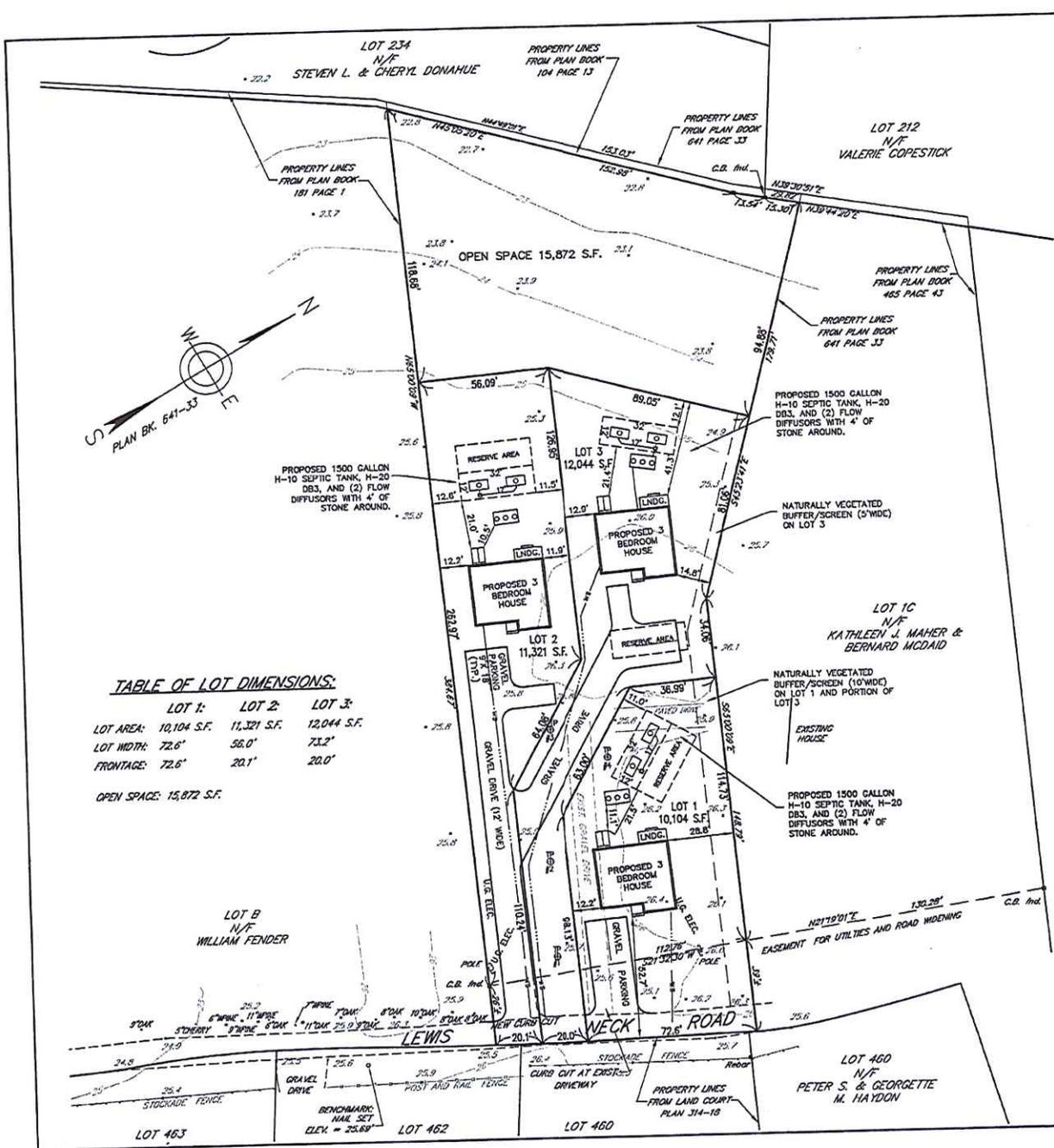
Submit one electronic copy to [Carla.Feroni@falmouthma.gov](mailto:Carla.Feroni@falmouthma.gov)  
and (6) hard copies to:  
Carla Feroni, Housing Coordinator, Town of Falmouth, 59 Town Hall Square, Falmouth, MA 02540

Provide a schedule for project implementation using the Milestones below. If Milestone B or C is not applicable to your project, mark the Milestone "NA." *Note: Implementation Schedules must be realistic. Carefully consider projected Milestone dates. Unrealistic Implementation Schedules may have a negative impact on the project's application review. Project implementation delay may be considered in recommendation for grant award.*

**Milestones (Month/Year):**

- A. Project Start (Month/Year): **April 2019, met with Town Planner-June 2019 met with Planning Board-Received Access Determination November 2019**
- B. Procurement Documents Submitted to FAHF (Month/Year): **N/A**
- C. Project Construction/Professional Contract Submitted FAHF (Month/Year): **Application to FAHF June 2020-Approved with contingency by Select Board February 2021**
- D. **Project submitted to Zoning Board for Comprehensive Permit April 2021**
- E. Project/Construction Start (Month/Year): **When Permit is approved**
- F. 50% Project Completion (Month/Year):
- G. 100% Project Completion (Month/Year):
- H. Close-Out Complete (Month/Year):

**Comments:**



**LEGEND**

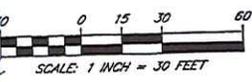
- EXISTING 1' CONTOUR
- EXISTING 5' CONTOUR
- x 25.1 EXISTING SPOT ELEVATION
- POLE (o) EXISTING UTILITY POLE
- C.B. IND. (□) CONCRETE BOUND

**GENERAL NOTES: (PARCEL C2 1.13 ACRES)**

1. ASSESSOR'S INFORMATION: 40 03 001C 002C
2. FLOOD ZONE: X (FEMA MAP 255211 0729 J, 7/16/14)
3. ZONING DISTRICT: RC
4. HMD EXPOSURE CATEGORY: B
5. OVERLAY DISTRICT: GREAT POND & GREEN POND COASTAL POND OVERLAY DISTRICTS
6. HMD BORNE DEBRIS REGION: N/A
7. STREET ADDRESS: LEWIS NECK ROAD
8. HOUSE NUMBERS: (NOT ISSUED)
9. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
10. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988
11. LOT COVERAGE OVERALL PARCEL BY:
  - A. PROPOSED STRUCTURES: 3,051 S.F. / 49,283 S.F. = 6.2%
  - B. PROPOSED STRUCTURES/PARKING/PAVING: 4,023 S.F. / 49,283 S.F. = 8.2%
12. LOT 2 AND 3 SHARED DRIVEWAY
13. LOT 1 AND 2 - AFFORDABLE HOUSING UNITS. LOT 3 - MARKET UNIT (100% AMI UNIT)

**TABLE OF LOT DIMENSIONS:**

	LOT 1:	LOT 2:	LOT 3:
LOT AREA:	10,104 S.F.	11,321 S.F.	12,044 S.F.
LOT WIDTH:	72.6'	56.0'	73.2'
FRONTAGE:	72.6'	20.1'	20.0'
OPEN SPACE:	15,872 S.F.		



**OVERALL SITE PLAN**  
prepared for:  
**FALMOUTH HOUSING TRUST, INC.**  
PARCEL C2 LEWIS NECK ROAD, FALMOUTH, MA

**D. H. MARTIN ENGINEERING, INC.**  
ENVIRONMENTAL - CIVIL - GEOTECHNICAL

SCALE: 1"=30'	14 QUISSETT AVENUE, BOX 741 WOODS HOLE, MA 02543 tel. 774-836-0693 dhmartineng@gmail.com	DATE: APRIL 2, 2021 DWG. NAME: 19106SITE2021.DWG SHEET 1 OF 1
DES./DRAWN:		
APPROVED: D.H.M.		

## Section 3 SOURCES AND USES OF FUNDS

Sources of Funds					Optional user calculations		
<b>Private Equity:</b>							
81 . Developer's Cash Equity		\$300,000					
82 . Tax Credit Equity (net amount) <small>(See line 360, Section 5, page 18.)</small>	\$						
83 . Developer's Fee/Overhead, Contributed or Loaned							
84 . Other Source: Gift portion of the land purchased-Land was app		\$71,000					
<b>Public Equity:</b>							
85 . HOME Funds, as Grant	\$						
86 . Grant:		\$260,000					
87 . Grant:	\$						
88 . Total Public Equity		\$260,000					
<b>Subordinate Debt (see definition):</b>							
	<i>Amount</i>	<i>Rate</i>	<i>Amortiz.</i>	<i>Term</i>			
89 . Home Funds-DHCD, as Subordinate Debt	\$0	%	yrs.	yrs.			
Source:							
90 . Home Funds-Local, as Subordinate Debt	\$0	%	yrs.	yrs.			
Source:							
91 . Subordinate Debt	\$0	%	yrs.	yrs.			
Source:							
92 . Subordinate Debt	\$0	%	yrs.	yrs.			
Source:							
93 . Subordinate Debt	\$0	%	yrs.	yrs.			
Source:							
94 . Total Subordinate Debt	\$0						
<b>Permanent Debt (Senior):</b>							
	<i>Amount</i>	<i>Rate</i>	<i>Override</i>	<i>Amortiz.</i>	<i>Term</i>	<i>MIP</i>	
95 . MHFA	\$	%	%	yrs.	yrs.	%	
MHFA Program 1							
96 . MHFA	\$	%	%	yrs.	yrs.	%	
MHFA Program 2							
97 . MHP Fund Permanent Loan	\$	%		yrs.	yrs.	%	
98 . Other Permanent Senior Mortgage	\$	%		yrs.	yrs.	%	
Source:							
99 . Other Permanent Senior Mortgage	\$	%		yrs.	yrs.	%	
Source:							
100 . Total Permanent Senior Debt	\$0						
101 . Total Permanent Sources	\$631,000						
<b>Construction Period Financing:</b>							
	<i>Amount</i>	<i>Rate</i>	<i>Term</i>				
102 . Construction Loan	\$0	%	mos.				
Source:							
Repaid at:	(event)						
103 . Other Interim Loan	\$0	%	mos.				
Source:							
Repaid at:	(event)						
104 . Syndication Bridge Loan	\$0	%	mos.				
Source:							
Repaid at:	(event)						

#VALUE!

Revised Date: 6/3/2020

**Uses of Funds**

The Contractor certifies that, to the best of their knowledge, the construction estimates, and trade-item breakdown on this page are complete and accurate.

**Direct Construction:**

105 . Who prepared the estimates? Greg Clancy-Clancy Construction

*Greg Clancy* 4/12/21  
Signature

106 . Basis for estimates? 20 YEARS IN BUSINESS

DV	Trade Item	Amount	Description
107 .	3	Concrete	\$45,000
108 .	4	Masonry	
109 .	5	Metals	
110 .	6	Rough Carpentry	\$80,000
111 .	6	Finish Carpentry	\$95,000
112 .	7	Waterproofing	
113 .	7	Insulation	\$16,000
114 .	7	Roofing	\$303,500 framing, windows and doors
115 .	7	Sheet Metal and Flashing	
116 .	7	Exterior Siding	\$30,000
117 .	8	Doors	
118 .	8	Windows	
119 .	8	Glass	
120 .	9	Lath & Plaster	\$30,000
121 .	9	Drywall	
122 .	9	Tile Work	\$4,000
123 .	9	Acoustical	
124 .	9	Wood Flooring	\$15,000
125 .	9	Resilient Flooring	
126 .	9	Carpet	\$15,000
127 .	9	Paint & Decorating	\$32,000 interior and exterior
128 .	10	Specialties	\$7,000 Mirrors and closets
129 .	11	Special Equipment	
130 .	11	Cabinets	\$30,000
131 .	11	Appliances	\$15,000
132 .	12	Blinds & Shades	
133 .	13	Modular/Manufactured	
134 .	13	Special Construction	
135 .	14	Elevators or Conveying Syst.	
136 .	15	Plumbing & Hot Water	\$47,000
137 .	15	Heat & Ventilation	
138 .	15	Air Conditioning	
139 .	15	Fire Protection	
140 .	16	Electrical	\$42,000
141 .		Accessory Buildings	
142 .		Other/misc	\$6,000 gutters
143 .		<b>Subtotal Structural</b>	<b>\$812,500</b>
144 .	2	Earth Work	\$10,000
145 .	2	Sitework&util	\$160,000 Septic, water, utilities, drainage, driveways, road paving
146 .	2	Roads & Walks	
147 .	2	Site Improvement	
148 .	2	Lawns & Planting	\$24,000
149 .	2	Geotechnical Conditions	
150 .	2	Environmental Remediation	
151 .	2	Demolition	
152 .	2	Unusual Site Cond	
153 .		<b>Subtotal Site Work</b>	<b>\$194,000</b>
154 .		<b>Total Improvements</b>	<b>\$1,006,500</b>
155 .	1	General Conditions	\$0
156 .		<b>Subtotal</b>	<b>\$1,006,500</b>
157 .	1	Builders Overhead	\$0
158 .	1	Builders Profit	\$81,000
159 .		<b>TOTAL</b>	<b>\$1,087,500</b>

160 Total Cost/square foot: N/A

Residential Cost/s.f.: N/A

**Development Budget:**

	Total	Residential	Commercial	Comments
161 . Acquisition: Land	\$65,000			
162 . Acquisition: Building	\$0			
163 . Acquisition Subtotal	\$65,000	\$0	\$0	
164 . Direct Construction Budget	\$1,087,500	\$1,087,500		(from line 159)
165 . Construction Contingency	\$54,375	\$54,375		5.0% of construction
166 . Subtotal: Construction	\$1,141,875	\$1,141,875	\$0	

**General Development Costs:**

167 . Architecture & Engineering	\$5,000	\$5,000		
168 . Survey and Permits	\$20,100	\$20,100		Permits, fees, utilities, water taps
169 . Clerk of the Works	\$15,000	\$15,000		
170 . Environmental Engineer	\$10,000	\$10,000		Site Engineering
171 . Bond Premium	\$0			
172 . Legal	\$10,000	\$10,000		
173 . Title and Recording	\$0			
174 . Accounting & Cost Cert.	\$5,000	\$5,000		
175 . Marketing and Rent Up	\$22,000	\$22,000		Includes Lottery with Housing Assistance Corp.
176 . Real Estate Taxes	\$0			
177 . Insurance	\$4,000	\$4,000		
178 . Relocation	\$0			
179 . Appraisal	\$0			
180 . Security	\$0			
181 . Construction Loan Interest	\$11,000	\$11,000		
182 . Inspecting Engineer	\$0			
183 . Fees to: MassHousing	\$1,250	\$1,250		
184 . Fees to: monitoring	\$3,000	\$3,000		
185 . MIP	\$0			
186 . Credit Enhancement Fees	\$0			
187 . Letter of Credit Fees	\$0			
188 . Other Financing Fees	\$0			
189 . Development Consultant	\$0			
190 . Other:	\$0			
191 . Other:	\$0			
192 . Soft Cost Contingency	\$5,293	\$5,293		5.0% of soft costs
193 . Subtotal: Gen. Dev.	\$111,643	\$111,643	\$0	

194 . Subtotal: Acquis., Const and Gen. Dev.	\$1,318,518	\$1,253,518	\$0
--	-------------	-------------	-----

195 . Capitalized Reserves	\$0		
196 . Developer Overhead	\$20,000	\$20,000	
197 . Developer Fee	\$0		

198 . Total Development Cost	\$1,338,518	\$1,273,518	\$0
199 . TDC, Net	\$1,338,518	\$1,273,518	\$0

TDC per unit #DIV/0!  
 TDC, Net per unit #DIV/0!



## **SUMMARY OF ACTIONS**

### **2. Administrative Orders**

- b. Vote to approve expenditure from the Library Department Donation Account in the amount of approximately \$2,000 for the replacement of book trucks

# FALMOUTH PUBLIC LIBRARY

300 Main Street  
FALMOUTH, MASSACHUSETTS 02540

*Office of the Director*



Tel: (508) 457-2555  
Fax: (508) 457-2559



September 21, 2021

Select Board  
Town of Falmouth  
Falmouth Town Hall  
Falmouth, MA 02540

Select Board,

The Library is interested in using about \$2,000. of funds donated for the Library to replace some of the book trucks. These trucks are used daily and have a significant life span but for the sake of safety and ease of use, the old carts must go. We have some where the soldering has let go and others whose wheels fall off when going over bumps. They have been repaired many times.

I believe those who have donated to the Library would be happy to know their money was used in this very practical manner that protects both the staff and the Library collections.

Many thanks for your consideration of this request.

Sincerely,

Linda Collins  
Director  
Falmouth Public Library  
300 Main Street  
Falmouth, MA 02540

# Demco®

P.O. Box 8048 | Madison, WI 53708-8048

Invoice

Invoice Number: 7005214  
Invoice Date: 9/14/21  
Reference Number: 11590437  
Bid/Contract: C73080

Page 1

Billing Customer: 201020000

Shipping Customer: 811307302

FALMOUTH PUBLIC LIBRARY  
300 MAIN ST  
FALMOUTH MA 02540

LIZ FARLAND  
FALMOUTH PUBLIC LIBRARY  
300 MAIN ST

FALMOUTH MA 02540-2895

Ordered By: Farland, Liz  
Purchase Order: 2021CARTS

Product	Qty	UOM	Description	Unit Price	Disc%	Extended
The following products are shipped:						
13750490	2	EA	Buffalo End-Range 3 Sloped Slf Booktruck 43x24x14 Clementine	354.99	7.00	660.29
13750460	2	EA	Buffalo End-Range 3 Sloped Slf Booktruck 43"x24"x14" Apple	354.99	7.00	660.29
13750540	2	EA	Buffalo End-Range 3 Sloped Slf Booktruck 43"x24"x14" Red	354.99	7.00	660.29

Subtotal	1,980.87
Total	1,980.87

VENDOR #	1075
ORG <del>78-610</del>	OBJ# 5611 → 5780
AMT. \$	DATE PD

lc

Terms: Net 30 days, Freight Prepaid and Added

Federal I.D. number: 39-1311089

Invoice Number: 7005214  
Invoice Date: 9/14/21  
Reference Number: 11590437  
Purchase Order: 2021CARTS  
Billing Customer: 201020000

Payment due on or before 10/14/21  
Total 1,980.87  
Customer Service Phone: 1-800-962-4463  
Questions on Billing: 1-800-752-7614  
email: billing@demco.com

Remit payment to: PO Box 8048, Madison, WI 53708-8048  
For additional questions go to www.demco.com



## **SUMMARY OF ACTIONS**

### **2. Administrative Orders**

- c. Authorize letter of support for WHOI grant request to U.S. Economic Development Administration for CWater Project

**DRAFT**

October XX, 2021

Linda Cruz-Carnall  
Regional Director, Philadelphia Regional Office  
U.S. Economic Development Administration  
Robert N.C. Nix Federal Building  
900 Market Street, Room 602  
Philadelphia, PA 19107

Dear Director Cruz-Carnall,

The town of Falmouth supports the Economic Development Administration Build Back Better Regional Challenge grant application titled “Bridge to Blue” submitted by Woods Hole Oceanographic Institution (WHOI), Bristol Community College, Massachusetts Maritime, the Southeastern Regional Planning and Economic Development District and Cape Cod Commission.

With almost 80 miles of harbors, coves and inlets, the Blue Economy is the cornerstone of our town’s economy. Woods Hole Village, where WHOI’s dock facility is located, exceeds \$400 million per year in economic output and supports thousands of marine science and technology jobs. Every year, tens of thousands of tourists come to Falmouth including many people who want to learn more about the ocean and visit places like WHOI’s Ocean Science Discovery Center.

The future of Falmouth’s growth is clearly tied to our ocean resources. We will continue to support WHOI and this team’s efforts to bridge K-12 learning gaps and address the economic development challenges in our region’s Blue Economy cluster. Each institution and the partnerships they’ve already developed bring skills and expertise to this challenge. Collectively, they will be able to develop a long-term strategy for our region that drives equitable economic development and job growth.

In June 2021, we were honored to welcome Commerce Secretary Gina Raimondo to Falmouth and Woods Hole Village. She and her team saw WHOI’s Iselin Marine dock facility, the home port to three federal research vessels – *Neil Armstrong*, *Atlantis*, and *Tioga*. This facility alone is comprised of test wells, shops, and laboratories responsible for more than \$50 million in annual economic activity benefiting area marine companies, sister marine institutions and colleges, local businesses, and the broader marine ecosystem of businesses. We support WHOI’s effort to construct a new state-of-the-art marine research facility called the Complex for Waterfront Access To Exploration and Research, or CWATER.

Please let us know how we can be supportive and thank you for considering this request.

Regards,

## Julian Suso

---

**From:** Joseph Donovan <Joseph.Donovan@nelsonmullins.com>  
**Sent:** Tuesday, September 28, 2021 4:35 PM  
**To:** Julian Suso  
**Cc:** Emiley Z Lockhart  
**Subject:** WHOI requests  
**Attachments:** Falmouth EDA BBB draft letter.docx

Julian,

Thanks as always for the town's support for WHOI and our efforts to build the Center for Waterfront Access To Exploration and Research (CWATER).

There are two items where we are seeking the town's approval to move ahead:

- Pursue language in the state's ARPA bill that would add Blue Tech as a funding category for port infrastructure and add Falmouth as an eligible municipality.
- A signed support letter for a new U.S. Economic Development Administration grant that would help WHOI secure more EDA funding for CWATER.

Here's the draft language we'd like to discuss with our local legislative delegation as well as Baker Administration to expand the purpose of its marine port development funding in the state's ARPA bill. The text below is in the Governor's bill. The bolded language is what we are proposing.

H.3922 An Act relative to immediate COVID recovery needs

1599-2034 for a reserve for marine port development; provided, that funds shall be utilized to support the deployment, construction, manufacturing, or the operation and maintenance of offshore wind **or related Blue Tech marine economy** for the purpose of promoting both short-term and long-term economic development in the Commonwealth; provided further, that funds may be used for the design, construction, reconstruction, improvement, rehabilitation or expansion of port areas in New Bedford, Salem, Somerset, **Falmouth**, and additional port areas with the potential to facilitate economic development activity for the offshore wind industry **or related Blue Tech marine economy** .....\$XXX,000,000 [currently 100,000,000]

I've also attached a draft support letter from the town for the U.S. Economic Development Administration grant that WHOI, Bristol Community College and Mass Maritime Academy will be applying for in October. The ultimate goal is to be able to compete for Economic Development Administration infrastructure funding made available to grant applicants that are selected in a first round.

Thanks, and please let Emiley and I know if you have any questions.

Joe

Joseph M. Donovan  
Managing Director, Federal Strategies  
Nelson Mullins Riley & Scarborough  
One Financial Center, Suite 3500  
Boston, MA 02111  
P: 617-217-4739  
C: 617-710-6951

## **SUMMARY OF ACTIONS**

### **2. Administrative Orders**

- d. Authorization for Town Manager to pursue language in the State's ARPA bill that would include Blue Tech as a funding category and add Falmouth as an eligible municipality

## Julian Suso

---

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Joseph M. Donovan  
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One Financial Center, Suite 3500  
Boston, MA 02111  
P: 617-217-4739  
C: 617-710-6951

## **SUMMARY OF ACTIONS**

### **PUBLIC HEARINGS**

1. Vote Intent to Layout as a Town Way and Assess Betterments for Winthrop Drive (East Side) (15 minutes)

Motion: Vote to Layout Winthrop Drive (East side) as a Public Way and to Assess Betterments.

## Diane Davidson

---

**From:** Julian Suso  
**Sent:** Thursday, September 30, 2021 1:36 PM  
**To:** Frank Duffy; Peter Johnson-Staub; Jim McLoughlin; Peter McConarty  
**Cc:** Diane Davidson  
**Subject:** RE: Winthrop Drive taking

Thank you Frank. Diane – can you please include Frank’s language in his email below for the draft motion for SB action at Monday’s meeting? Thanks.

Julian

**From:** Frank Duffy <[frank.duffy@falmouthma.gov](mailto:frank.duffy@falmouthma.gov)>  
**Sent:** Thursday, September 30, 2021 12:53 PM  
**To:** Peter Johnson-Staub <[peter.johnson-staub@falmouthma.gov](mailto:peter.johnson-staub@falmouthma.gov)>; Jim McLoughlin <[james.mcloughlin@falmouthma.gov](mailto:james.mcloughlin@falmouthma.gov)>; Peter McConarty <[peter.mcconarty@falmouthma.gov](mailto:peter.mcconarty@falmouthma.gov)>  
**Cc:** Julian Suso <[julian.suso@falmouthma.gov](mailto:julian.suso@falmouthma.gov)>  
**Subject:** RE: Winthrop Drive taking

Just to be clear, the SB does not vote to adopt an order of taking at this stage. The SB first votes to lay out Winthrop Drive as a public way and to assess betterments. Town meeting approves the layout and SB action. Following town meeting the SB votes an order of taking as authorized by town meeting.

---

Frank K. Duffy, Town Counsel  
Town of Falmouth  
157 Locust Street  
Falmouth, MA 02540  
(508) 548-8800 fax (508) 540-0881

**CONFIDENTIALITY NOTICE:** This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you are not the intended recipient and have received this communication in error, please contact the sender immediately and delete the original message. Thank you.

**PUBLIC NOTICE**

In accordance with Section 22 of Chapter 82 and Chapter 80 of the Massachusetts General Laws, the Falmouth Select Board will hold a Public Hearing on **Monday, September 27, 2021 at 7:30 p.m.** in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square, to consider the layout of:

Winthrop Drive (East Side), 726'

and to vote as a Town Way and to vote any betterment assessments.

Any person interested or wishing to be heard on the proposed layout and taking of this road or wishing to be heard on betterments to property owners receiving benefit of the improvements to the roadway described should appear at the time and place designated.

Preliminary plans of the proposed layout of the above named road and betterment estimates will be available for public viewing in the Office of The Town Clerk, Falmouth Town Hall, 59 Town Hall Square, Monday through Friday, 8:00 a.m. to 4:30 p.m.

Per Order of the  
Select Board

Publication Date: Friday, September 10, 2021; Falmouth Enterprise

accordance with rules and regulations of the Massachusetts Secretary of State by community sponsored, educationally oriented and professionally directed repair teams, or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 21:** To see if the Town will vote to accept the doings of the Select Board in the laying out of Winthrop Drive (east side) from Seacoasts Shores Blvd. to Edgewater Drive East a distance of 726 ft. and width of 40 ft. according to plans on file with the Town Clerk for taking as a public way under the Betterment Act, or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 22:** To see if the Town will vote to authorize the Select Board to take all necessary and appropriate action to establish and maintain, in accordance with the provisions of Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of Department of Public Utilities and the Department of Telecommunications and Cable, a municipal lighting plant for all purposes allowable under the Commonwealth, including without limitation the operation of a telecommunications system and related services, or take any action relative hereto. On petition of FalmouthNet.Inc.

**ARTICLE 23:** To see if the Town will request the Board of Selectmen in the interest of public safety as allowed by the provision of General Laws Chapter 90, Section 18, and in the interest of public health, as allowed by the provision of General Laws Chapter 111 Section 31 and 122, to develop a bylaw on the use of town-owned roads bordering on residential zones by commercial vehicles from the hours of 11:00PM to 6:00AM. Such bylaw is intended to provide relief to residential neighborhoods that are plagued with early morning truck traffic and to establish quiet hours in those neighborhoods. The Town will develop a quiet hours bylaw based on sound impact data with a completion date of July 1, 2022. On petition of the Southeast Massachusetts Regional Transportation (SMART) Citizens Task Force.

**ARTICLE 24:** To see if the Town will vote to appropriate \$150,000 of free cash to be used for the design of Compete Streets projects to create a backlog of shovel ready projects eligible for state or federal construction grants. Said sum to be expended under the jurisdiction of the Select Board. On petition of Chris McGuire.

**ARTICLE 25:** To see if the Town will vote to appropriate or transfer from the Ferry Embarkation Fee Fund\* the amount of \$30,000 for the purchase and installation of up to six permanent LED speed signs (cost estimate provided by DPW Director) on Woods Hole Road and Palmer Avenue in order to encourage compliance with posted speed limits, particularly for heavily laden ferry bound truck traffic. On petition of the Southeast Massachusetts Regional Transportation (SMART) Citizens Task Force.

**ARTICLE 26:** To see if the Town will vote to adopt an amendment to Article II, Town Meeting, of the Falmouth Home Rule Charter by amending Sec. C2-3, A and B, so as to read:  
C2-3. Procedures.

- A. Town Meeting shall be held twice annually: in April, on a date chosen by the Select Board, and in the fall on a date chosen by the Select Board.
- B. Town Meeting will consider and act upon, as required, with or without amendments, all proposed operating and capital improvement budgets, appropriations, borrowings, and all other issues that may properly come before it.

Or do or take any other action on this matter. On request of the Select Board and the Charter Review Committee.

**ARTICLE 27:** To see if the Town will vote to adopt an amendment to Article II, Town Meeting, of the Falmouth Home Rule Charter by amending Sec. C2-6, Moderator, so as to read:  
C 2-6. Moderator.

- A. A Moderator shall be elected as provided in sec. C 4-2.
- B. The Moderator shall preside at all sessions of the Town Meeting and shall have no vote unless the members present and voting are equally divided.



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

September 29, 2021

Dear Winthrop Drive (east side) Residents:

The Select Board hearing to adopt an order of taking for the layout of Winthrop Drive (east side) originally scheduled for September 27<sup>th</sup> has been continued to 7:30pm on Monday, October 4, 2021 in the Select Board Meeting Room at Town Hall.

The reason the hearing had to be continued was to ensure that no one is prevented from participating in the hearing due to the change in venue for the September 27<sup>th</sup> Select Board meeting. Had the Board voted to adopt the order of taking that night, it could have led to a legal challenge which might have derailed Town Meeting action this November. We know that several residents were unaware of the change in venue and appeared at Town Hall on the September 27<sup>th</sup> only to find that the meeting was being held virtually via Zoom. Please accept our sincere apologies for the inconvenience. We know your time is valuable and it must have been frustrating to show up for a hearing that has been moved to a different location without direct notice to you.

By way of background, this office mailed the original hearing notices on September 3<sup>rd</sup> at which time the Select Board intended to continue holding its meetings in-person in the Select Board Meeting Room. Subsequently, a member of the Board tested positive for COVID-19 and the decision was made on September 23<sup>rd</sup> to hold the September 27<sup>th</sup> meeting remotely. The Select Board meeting was properly posted in compliance with the Open Meeting Law but there was not enough time to send an updated notice to Winthrop Drive residents.

Be assured that we are on schedule to meet all procedural requirements so that Town Meeting can vote to take Winthrop Drive (east section) as a public way this November. The Planning Board and Select Board are both on record in support of this taking. Your participation on October 4<sup>th</sup> is welcomed.

Sincerely,

Julian M. Suso  
Town Manager

cc: Select Board

DRAFT

This form to be signed at a Select Board meeting after Town Meeting approval.

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

TOWN OF FALMOUTH  
SELECT BOARD

**ORDER OF TAKING  
FOR THE LAYOUT OF  
Winthrop Drive (East Side)**

We, Douglas C. Brown, Nancy R. Taylor, Samuel H. Patterson, Megan English Braga and Onjalé Scott Price, as duly elected and qualified members of the SELECT BOARD of the Town of Falmouth, acting for and on behalf of said town, under the provisions of Chapters 79 and 82 of the Massachusetts Laws and in accordance with the provisions of Article 21 of the Town Meeting held in said Falmouth on November 15, 2021 (a copy of which is annexed hereto as **Exhibit A**), and by virtue of every other power, having complied with all preliminary requirements prescribed by law, **DO HEREBY ADOPT AND DECREE THIS ORDER OF TAKING** and do hereby take by eminent domain for public purposes, an easement for the layout of **Winthrop Drive (East Side)**, as a town way in the land described herein.

**I. DESCRIPTION.** The descriptions are set forth in **Exhibit B** attached hereto. See also plans recorded herewith.

**II. INTEREST TAKEN.** An easement for all purposes for which roads and ways are commonly used in the Town of Falmouth, including all drainage, slope and turning easements as shown on said plans. This taking shall not disturb any existing easements of record to public utility companies nor claim any interest in the personal property of said utility companies.

**III. NAMES OF OWNERS.** A list is attached hereto as **Exhibit C**.

**IV. PURPOSE.** For the laying out of **Winthrop Drive (East Side)** as a Town way.

**V. DAMAGES AWARDED.** None.

**VI. TREES AND STRUCTURES.** Trees and structures, including any streetlights, are not included in the taking and may remain undisturbed. Periodic pruning of trees will be permitted to prevent encroachment into the layout or other hazards.

**VII. BETTERMENTS ASSESSED.** This taking was made under the Betterment Act and the abutting property owners have been assessed by the Select Board 100% of the cost of the improvements to be made or **\$15,565** per lot eligible for betterment as listed in **Exhibit D** attached hereto.

Any party claiming to have been damaged by said taking may file a complaint for assessment of damages in the Superior Court within three (3) years from the date of the right to damages becomes vested.

IN WITNESS WHEREOF, the said Town of Falmouth has caused its corporate seal to be affixed hereto and these present to be executed by its Select Board, duly authorized this 22<sup>nd</sup> day of November, 2021.

**TOWN OF FALMOUTH**  
**By its SELECT BOARD**

\_\_\_\_\_  
Douglas C. Brown, Chair

\_\_\_\_\_  
Nancy R. Taylor, Vice Chair

\_\_\_\_\_  
Samuel H. Patterson

\_\_\_\_\_  
Megan English Braga

\_\_\_\_\_  
Onjalé Scott Price

**COMMONWEALTH OF MASSACHUSETTS**

**BARNSTABLE, SS.**

**, 2021**

Then appeared Douglas C. Brown, Chair of the Falmouth Select Board and acknowledged that the foregoing instrument is her free act and deed.

\_\_\_\_\_  
Notary Public

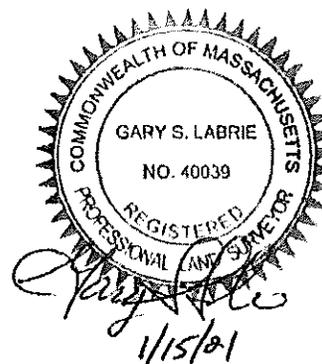
My Commission Expires: \_\_\_\_\_

Exhibit B  
Written Description for  
Winthrop Drive (East Side)  
**Metes and Bounds Description**  
**WINTHROP DRIVE – EAST**

- POB            At the most northerly and westerly corner of Winthrop Drive East and the easterly side line of Seacoast Shores Boulevard, said corner being N 28°-30'-20" E, 247.82 feet from a concrete bound (held) at the most northerly and westerly corner of Ellsworth Drive and easterly sideline of Seacoast Shores Boulevard.
- Thence        S 70°-50'-40" E, 719.75 feet to the most northerly and easterly corner of Winthrop Drive East and the westerly sideline of Edgewater Drive East.
- Thence        by a curve to the right with a radius of 660.00 feet and a length of 40.24 feet, a chord direction of S 12°-55'-46" W, and a chord distance of 40.24 feet to the most southerly and easterly corner of Winthrop Drive East and the westerly sideline of Edgewater Drive East.
- Thence        N 70°-50'-40" W, 730.70 feet to the most southerly and westerly corner of Winthrop Drive East and the westerly sideline of Seacoast Shores Boulevard.
- Thence        N 28°-30'-20" E, 40.54 feet to the POB.

Winthrop Drive East is predominately a 40 foot wide layout.

Winthrop Drive West is approximately 726 feet in length.

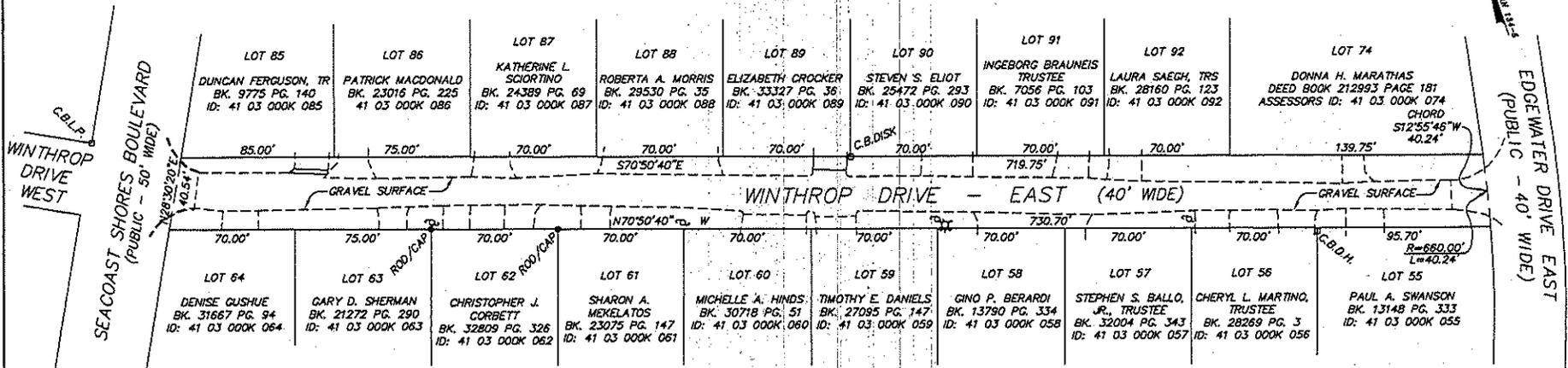
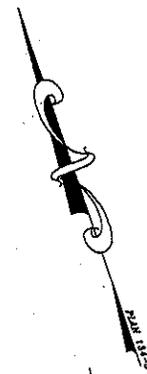


THIS PLAN WAS COMPILED FROM PLANS OF RECORD.

PLAN REFERENCES:  
 BOOK 77 PAGE 123  
 BOOK 201 PAGE 101  
 BOOK 134 PAGE 5

VOTED UNDER ARTICLE \_\_\_\_\_ OF THE \_\_\_\_\_ TOWN MEETING  
 (NUMBER) (DATE)

FOR REGISTRY USE ONLY



PLAN OF LAND TAKEN UNDER THE BETTERMENT ACT  
 BY ORDER OF TAKING ADOPTED: \_\_\_\_\_  
 (DATE)

\_\_\_\_\_  
 Megan E. English Braga, Chair

\_\_\_\_\_  
 Douglas C. Brown, Vice Chair

\_\_\_\_\_  
 Doug Jones

\_\_\_\_\_  
 Samuel H. Patterson

\_\_\_\_\_  
 Nancy R. Taylor

**LEGEND**

- C.B.D.H. □ CONCRETE BOUND W/DRILL HOLE
- C.B.L.P. □ CONCRETE BOUND W/LEAD PLUG & PIN
- ⊕ EXISTING FIRE HYDRANT
- ⊖ EXISTING UTILITY POLE

**TOWN OF FALMOUTH  
 PLAN OF WINTHROP DRIVE EAST**

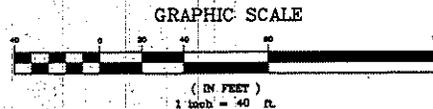
IN  
 EAST FALMOUTH, MASSACHUSETTS  
 AS LAID OUT BY THE SELECTMEN

Scale: 1"=40' Date: 12/04/2020

*Warwick & Associates Inc.*

63 County Road Box 801  
 North Falmouth, Mass 02556  
 (508) 563 - 7777

DWG: WINTHROP-E REV:



"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN COMPLIANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS FOR THE COMMONWEALTH OF MASSACHUSETTS.

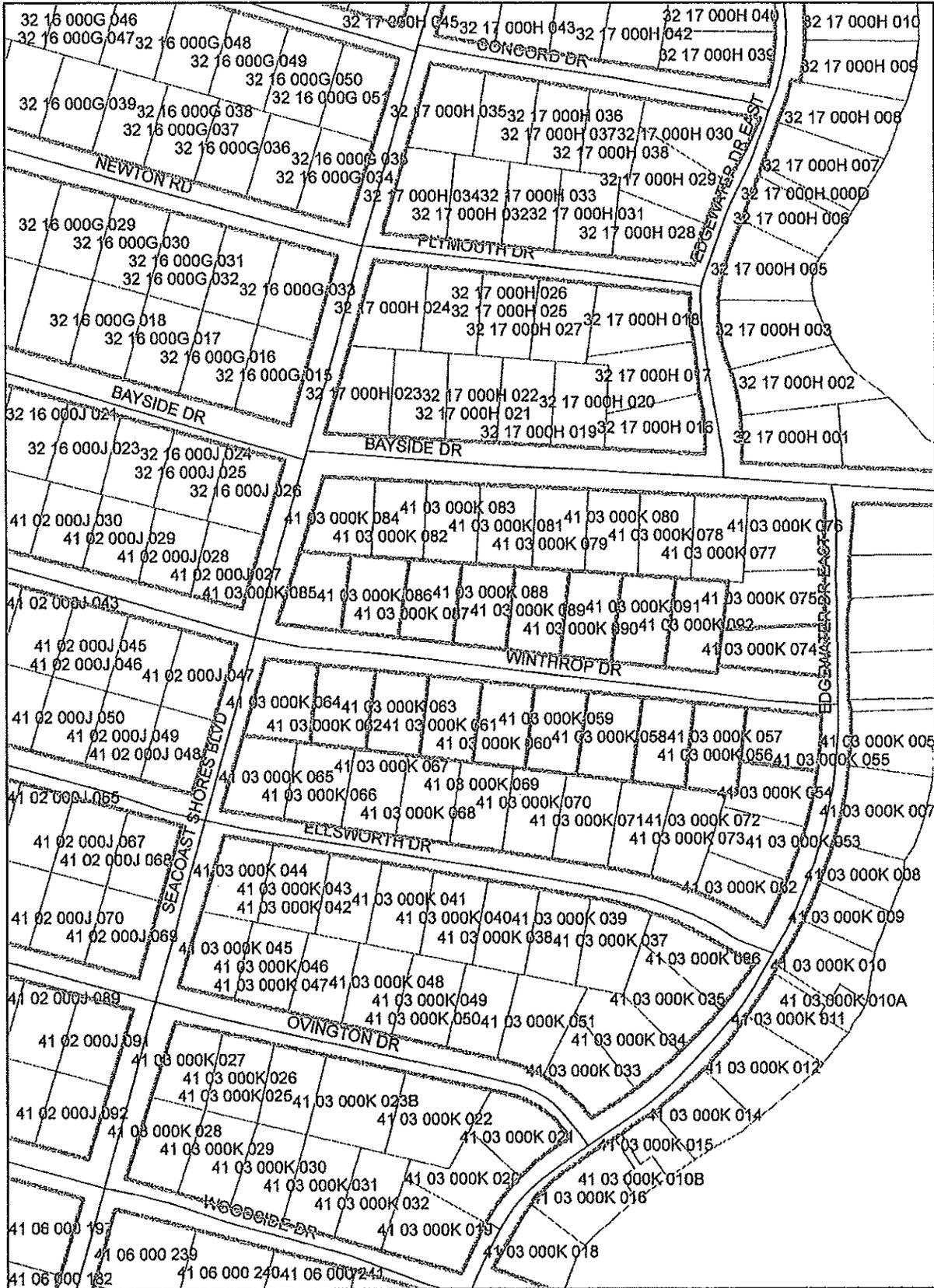
DATE: 12/7/2020

*Gary S. Labrie*  
 GARY S. LABRIE, P.L.S.

Notices mailed  
to abuterson  
9/3/21.

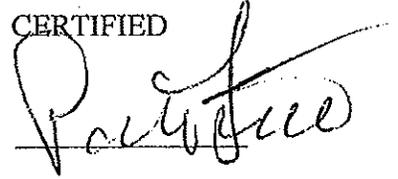
67 WINTHROP DR BALLO JR TRUSTEE STEPHEN S BALLO FAMILY TRUST PO BOX 307 E FALMOUTH, MA 02536	41 03 000K 057 LUC: 101	54 WINTHROP DR LE TAM PHAN TAN 79 SILVER BROOK RD MILTON, MA 02186	41 03 000K 088 LUC: 101
65 WINTHROP DR BERARDI GINO P BERARDI VIRGINIA G 16 HIGH ST CANTON, MA 02021-3609	41 03 000K 058 LUC: 101	48 WINTHROP DR MACDONALD PATRICK MACDONALD NANCY 48 WINTHROP DR EAST FALMOUTH, MA 02536	41 03 000K 085 LUC: 101
66 WINTHROP DR BRAUNEIS TRUSTEE INGEBORG BRAUNEIS TRUSTEE ALAN A 545 FISHER ST WALPOLE, MA 02081	41 03 000K 091 LUC: 101	245 EDGEWATER DR EAST MARATHAS DONNA H 245 EDGEWATER DR E E FALMOUTH, MA 02536-6679	41 03 000K 074 LUC: 101
49 WINTHROP DR CORBETT CHRISTOPHER J CORBETT EILEEN M 41 HEMLOCK DR NORWELL, MA 02061	41 03 000K 062 LUC: 101	71 WINTHROP DR MARTINO TRUSTEE CHERYL L MARTINO BARNSTABLE COUNTY TR 43 DOWNEY ST WATERTOWN, MA 02472	41 03 000K 056 LUC: 101
58 WINTHROP DR CROCKER ELIZABETH CROCKER ROBERT 15 BALD PATE RD GEORGETOWN, MA 01833	41 03 000K 089 LUC: 101	53 WINTHROP DR MEKELATOS SHARON A PO BOX 3523 WAUQUOIT, MA 02536-3523	41 03 000K 061 LUC: 101
61 WINTHROP DR DANIELS TIMOTHY E ZHANG LI 319 TURNPIKE ST SOUTH EASTON, MA 02375	41 03 000K 059 LUC: 101	70 WINTHROP DR SAEGH TRUSTEE LAURA SAEGH TRUSTEE JOSEPH 3 MILL POND LN NORWOOD, MA 02062-1913	41 03 000K 092 LUC: 101
62 WINTHROP DR ELIOT STEVEN S ELIOT SHARI 300 MERCER ST #27D NEW YORK, NY 10003	41 03 000K 090 LUC: 101	50 WINTHROP DR SCIORTINO KATHERINE L 65 WELLINGTON AVE LOWELL, MA 01852-4232	41 03 000K 087 LUC: 101
44 WINTHROP DR FERGUSON TRUSTEE DUNCAN FERGUSON TRUSTEE GAIL A 44 WINTHROP DR E FALMOUTH, MA 02536	41 03 000K 085 LUC: 101	45 WINTHROP DR SHERMAN GARY D SHERMAN LINDA PO BOX 683 MEDFIELD, MA 02052	41 03 000K 063 LUC: 101
264 SEACOAST SHORES BLVD GUSHUE DENISE 77 ELLSWORTH DR E FALMOUTH, MA 02536	41 03 000K 064 LUC: 101	253 EDGEWATER DR EAST SWANSON PAUL A SWANSON CATHERINE M 160 VERNON ST NORWOOD, MA 02062-2108	41 03 000K 055 LUC: 101
57 WINTHROP DR HINDS MICHELLE A PO BOX 747 EAST FALMOUTH, MA 02536	41 03 000K 060 LUC: 101		

# WINTHROP DR EAST



WINTHROP DR EAST

CERTIFIED

A handwritten signature in cursive script, appearing to read "Patricia Favulli", written over a horizontal line.

Patricia A Favulli  
Director of Assessing  
Town of Falmouth  
April 6, 2021

## **BUSINESS**

1. Discussion/update on COVID-19 issues (10 minutes)

## **BUSINESS**

2. Discussion and Authorization to demolish dilapidated buildings on Andrews Farm parcel (10 minutes)



**TOWN OF FALMOUTH**  
Office of the Town Manager & Select Board  
59 Town Hall Square, Falmouth, Massachusetts 02540

**TO:** Julian M. Suso, Town Manager  
**FROM:** Peter Johnson-Staub, Assistant Town Manager  
**SUBJECT:** Tony Andrews Farm – Demolition of Structures  
**DATE:** October 1, 2021

*PJS*

This memo provides background information for the Select Board related to the capital request to demolish several structures at Tony Andrews Farm. The Town created separate house lots on the farm property when it was acquired. The conservation restriction that applies to the two larger farm parcels does not apply to either of the two house lots. One house lot – 394 Old Meetinghouse Rd – has a ranch house that continues to be occupied by Jeff Andrews who leases the farm property and the 394 Old Meetinghouse Rd lot from the Town. The other house lot – 398 Old Meetinghouse Rd – has a larger residential house, a garage and three barn/storage structures which had fallen into disrepair before the Town acquired the farm property. The consensus of Town staff, Jeff Andrews, Joe Andrews, and Farming Falmouth non-profit is that the residential house and the three storage structures are beyond their useful and life and should be demolished. There is some urgency to demolishing the structures which provide habitat for rats. Jeff Andrews continues to use the garage which can likely be repaired to extend its useful life. Access to a garage remains a necessity for the farm operation so if the garage is not repaired it will need to be replaced.

The demolition of these buildings is needed regardless of the future disposition of the 398 Old Meetinghouse Rd house lot. The capital request which we have proposed would pay for the safe demolition of the structures under the supervision of a licensed site professional to ensure proper handling of hazardous materials which have been identified through comprehensive testing. Facilities Manager Greg Endicott has secured a professional cost estimate for this demolition work including proper hazardous materials demolition and disposal, engineering and contingency for a total of \$194,000. I would note that Town Meeting was informed when the Farm was acquired that there might be future costs associated with demolishing outbuildings.

**Attachments:**

- Farming Falmouth Letter 01/25/2021
- Jeff Andrews and Joe Andrews Email 05/10/2021

**CC:** Select Board  
Jennifer Christian, Farming Falmouth

//398 Old Meetinghouse - Select Board Update 10-01-2021



## Working to Build a Sustainable Food Future

Farming Falmouth • PO Box 2322 • Teaticket, MA 02536 • [www.farmingfalmouth.org](http://www.farmingfalmouth.org)

Peter Johnson-Staub  
Assistant Town Manager  
59 Town Hall Square  
Falmouth, MA 02540

January 25, 2021

### RE: Farming Falmouth Proposal for Lot 3 Revitalization

Dear Mr. Johnson-Staub,

Farming Falmouth (FF) is a 501(c)(3) organization dedicated to strengthening the region's local food system through education, action and outreach. FF wishes to engage the Town of Falmouth regarding future revitalization strategies and options for Lot 3 adjacent to the newly preserved Tony Andrews Farm (Farm).

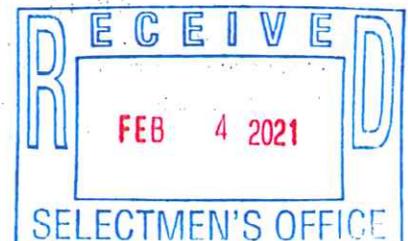
Lot 3 is vital to the Farm's continued success due to Lot 3's unique ability to have structures, paved surfaces and other development directly related to supporting farming activities. To ensure the continued economic viability of the Farm, it is essential to have support structures on site for equipment, crop production supplies, and where machinery like tractors can be maintained and stored. Much of the existing development on Lot 3 was constructed decades ago in a patchwork fashion. It has now deteriorated and is in need of replacement. FF has consulted with local experts Mark McGrath and Mike Duffany on the opportunities and constraints of the development and engineering of Lot 3. Having taken these questions under advisement, we have concluded that the existing residence on Lot 3 is so severely deteriorated that it should be demolished. This is our official letter of support for the Town to remove the existing residence.

FF's vision for Lot 3 is a phased approach to redevelopment of the site for future agricultural success. Proposed Phase 1 would support demolition of the existing residence and replacement of existing structures directly related to current Farm activities, such as tractor storage and repair, and material storage. Proposed Phase 2 would provide additional development to: a) advance and diversify on-site farming on the town-owned Farm; and b) support community-based farming activities through education of Falmouth residents about local food production. These uses could include washing stations for produce, cold storage, greenhouses, meeting/classroom space, and a kitchen for food preparation, canning, etc.

FF believes this proposal reflects many goals shared with the Town, including: reducing the Town's liability; increasing the Farm's viability by constructing adequate infrastructure; helping to strengthen the town's local food network; addressing the environmental impacts of climate change by reducing the energy costs associated with growing and transporting food; and helping people learn more about healthy, locally-produced food. Thank you for your time and consideration. We look forward to continuing a dialogue about the future of Lot 3 with the Town of Falmouth.

Sincerely,

Jennifer Christian  
President, Farming Falmouth Board of Directors



## Peter Johnson-Staub

---

**From:** Megan English Braga [REDACTED]  
**Sent:** Wednesday, May 12, 2021 11:21 AM  
**To:** Joseph Andrews  
**Cc:** Jeff Andrews  
**Subject:** Re: Demolition of Buildings at Tony Andrews

Good morning,

I am forwarding this on to the correct addresses for Julian and Peter so they can review it and we can set up a time to have a conversation. The addresses that you had were the old ones so I don't think they would have received your email.

Megan

On Mon, May 10, 2021 at 5:16 PM Joseph Andrews [REDACTED] wrote:

Dear Peter, Julian and Meghan,

I hope this email finds you and your families are all doing well during this past year. It seems as if we're turning the corner and looking forward to a new season at the farm.

I understand that you recently had a conversation with Jeff regarding the demolition of structures at the Farm. Jeff and I would like to reiterate our desire and support to remove the house and barn structures at 398 Old Meeting House Rd.

The key reason supporting this request is based on safety and animal infestation. The house is in serious disrepair. The termites have taken hold and worse, yet the rat infestation is becoming significant. As you can imagine rats on a farm are a terrible combination as rats can infiltrate other buildings such as the fruit stand and even more importantly the crops let alone the diseases they carry. Clearly as you can imagine, this wouldn't be good for business or our reputation. They have chewed through many spots in the house to build their nests. I believe there are other critter's occupying the house and you can easily see the damage they're creating around windows and doors as they plan their multiple exit routes. The rats and other animals are tearing up the carpet to makes nests in multiple areas of the home. Lastly there are animal feces throughout the house. Walking around the house you can see the multiple points of entries for the critters. There are also multiple holes in the ceiling. It's just a matter of time before water leaks develop and create a serious mold problem.

The barn behind the house is a very serious safety risk. The roof has numerous holes and its warping and sinking in many areas. It's just a matter of time before the roof collapses and hopefully no-one is in or near as the result would be disastrous.

If you need any further information or pictures feel free to let me know. I hope those who will make this decision will do the right thing and tear these structures down if for no other reason for the safety of humans. We'll be opening on June 1<sup>st</sup> and look forward to another successful season.

Thank you for moving this along. I truly appreciate it, Jeff Andrews, Operator of Tony Andrews Farm and Joe

--

Megan E. English Braga  
Attorney At Law  
157 Locust Street  
Falmouth, MA 02540  
Phone 508-548-2305  
Facsimile 508-540-2992

This electronic message, including attachments, contains information from the Law Office of Megan E. English Braga, Esq. The contents may be privileged and confidential and are intended for the use of the addressee(s) only. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited and may be unlawful. If you are not an intended addressee, please permanently delete it and notify the sender immediately.

"Disclosure Under IRS Circular 230: To ensure compliance with requirements recently imposed by the IRS, we inform you that any tax advice contained in this communication, including any attachments, was not intended or written to be used, and cannot be used, for the purpose of avoiding federal tax related penalties or promoting, marketing or recommending to another party any tax related matters addressed herein."

## **BUSINESS**

### **3. Report – School Committee**

## **BUSINESS**

4. Vote to Appoint Kevin Casey as the Disabled American Veterans (DAV) Representative to the Veterans Council Committee (5 minutes)

10/4/21

**VETERANS COUNCIL COMMITTEE:**

<b>Organization</b>	<b>Name</b>	<b>One-Year Term Until</b>
Disabled American Veterans (DAV)	Kevin Casey	6/30/22



# DAV

DISABLED AMERICAN VETERANS

[www.dav.org](http://www.dav.org)

Falmouth Select Board

As the Commander of the Falmouth Disabled American Veterans (DAV) Chapter 81, Falmouth Memorial, I am nominating Kevin Casey as the DAV Representative to the Falmouth Veterans Council.

Kevin is currently a Member at Large and with this nomination, Kevin's status would change from an At Large representative to a DAV Representative.

A handwritten signature in blue ink that reads "Ronald C. Dyer".

Ronald C Dyer

Commander

Disabled American Veterans

Falmouth Chapter 81

Falmouth Memorial



## VETERANS' COUNCIL COMMITTEE MEMBERS

### ONE-YEAR TERMS

CURRENT TERM: 7/1/21 – 6/30/22

Organization	Name	Term Until
Amvets	William Doherty	6/30/22
Disabled American Veterans	Kevin Casey	6/30/22
Elks Lodge	Edward T. Van Keuren	6/30/21*
VFW	Ahmed Mustafa	6/30/21*
Falmouth Military Support Group	Carole Kenney	6/30/22
Joe Q Veteran Coffee Break, Inc.	Carissa April	6/30/22
At-Large	Robert Foes	6/30/22
At-Large	Randy Collette	6/30/22
At-Large	Vacant	6/30/22**

\*Waiting for letter from Veterans Organization nominating their representative for this year.

\*\*At-large position created by appointment of Kevin Casey as DAV Rep. (from At-Large position).

## **BUSINESS**

5. Northwest fire station (Town Meeting Article #12), discussion and potential vote on next steps (15 minutes)

**ARTICLE 12:** To see if the Town will vote to appropriate a sum of money for purposes of acquiring an option to purchase land suitable for a new fire station in the northwestern section of town with the purchase of the land to be authorized by a future town meeting vote, said money to be expended under the jurisdiction of the Select Board on such terms and conditions as it deems prudent and proper, or do or take any other action on the matter. On request of the Select Board.

## **BUSINESS**

6. Vote article recommendations for November 2021 Town Meeting  
(15 minutes)



## NOVEMBER 2021 ANNUAL TOWN MEETING

Selectmen Announce Annual Town Meeting..... Monday, July 26, 2021  
Close Warrant.....Friday, September 3, 2021  
Selectmen Vote Articles & Execute Warrant ..... Monday, September 13, 2021  
Publish Articles Only ..... Friday, September 17, 2021  
Petition Article Presentations ..... Monday, September 27, 2021  
Selectmen Vote Article Recommendations ..... Monday, October 4, 2021  
Publish Warrant with Recommendations ..... Friday, October 29, 2021  
Town Meeting .....Monday, November 15, 2021

## November 2021 Annual Town Meeting Index

Article	Recommendation
1 Choose Town Officers	---
2 Reports from Committees and Town Officers	---
3 Amend Zoning Bylaw - Add Article XLVIX Mixed Residential and Commercial Overlay District	PB
4 Amend Zoning Bylaw - 240-193 - Site Plan 300' Abutters	PB
5 Amend Zoning Bylaw - 240-13 - Definitions for Article XLVIX Mixed Residential and Commercial Overlay District	PB
6 Amend and Adopt Recodification of Zoning Bylaw	PB
7 Fund Zoning Bylaw Recodification Phase 2	Fincom
8 Fund Capital Improvements	Fincom
9 Fund Non-Capital Improvements	Fincom
10 Teaticket Roof Borrowing Authorization	Fincom
11 Fund Police Department Renovation	Fincom
12 Fund Option to Purchase Land for the NW Fire Station	Fincom
13 Fund DPW Toters	Fincom
14 Fund Falmouth Affordable Housing Fund	Fincom
15 Increase Hotel/Motel Tax from 5% to 6%	SB
16 Establish Community Impact Fee	SB
17 AFSCME A Reclass	Fincom
18 Remove Falmouth Police Department from Civil Service	SB
19 Lease Peterson Farm	SB
20 Accept M.G.L. Chapter 272 s. 73A: Gravestones	SB
21 Accept Winthrop Drive as Public Way	SB
22 Petition: Establish Municipal Lighting Plant (Community Broadband)	SB
23 Petition: Commercial Vehicle Traffic Restrictions for Residential Zones	SB
24 Petition: Fund Complete Streets Projects	Fincom
25 Petition: LED Speed Signs - Woods Hole Road and Palmer Avenue	Fincom
26 CRC: Amend C2-3 - Town Meeting Procedures	SB
27 CRC: Amend C2-6 - Moderator	SB
28 CRC: Amend C3-2 - (Select Board) General Powers	SB
29 CRC: Amend C3-6 and C7-1 - (Select Board) Powers of Appointment, Appointing Authority	SB
30 CRC: Amend C7-3 - Change in Composition of Appointed Governmental Bodies	SB
31 CRC: Amend C8-6 - Financial Provisions and Procedures	SB
32 Approve Transfer of Land (RE: Carousel of Light) from the School Committee to the Select Board	SB

**WARRANT FOR THE NOVEMBER ANNUAL TOWN MEETING**  
**Monday, November 15, 2021 AT 7:00 p.m.**  
**For action on articles in the Warrant**  
**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, SS To either of the constables of the Town of Falmouth, in said county:

In the name of the Commonwealth of Massachusetts you are directed to notify and summon the inhabitants of the Town of Falmouth qualified to vote in Town Affairs to meet at the Memorial Auditorium, Lawrence School, 113 Lakeview Avenue, Falmouth; Monday, November 15, 2021 at 7:00 p.m. for the purpose of acting on the articles contained in the following warrant:

**ARTICLE 1:** To choose all other necessary Town Officers for the year in accordance with nominations to be offered at Town Meeting.

**ARTICLE 2:** To Hear Reports of Committees and Town Officers and act thereon.

**ARTICLE 3:** To see if the town will vote to amend the Zoning Bylaw by adding a new Article XLVIX Mixed Residential and Commercial Overlay District and to amend the Official Zoning Map by adding a Mixed Residential and Commercial Overlay District in certain eligible locations in existing B-1, B-2, and Business Redevelopment zoning districts, as shown in a document entitled Article XLVIX Mixed Residential and Commercial Overlay District 8/25/21 and Maps entitled "B1, B2, & BR Zoning" dated June 24, 2021 showing proposed Mixed Residential and Commercial Overlay Districts, as shown below: And further to amend the Official Zoning Map's Legend for Mixed Residential and Commercial Overlay District and Falmouth Zoning Overlay Districts Map to "Refer to Article XLVIX of the Zoning Bylaws".

**Article XVIX Mixed Residential and Commercial Overlay District**

**240-256 Purpose**

- To enable the town to reach its goal of 10% of its housing on the Subsidized Housing Inventory (SHI)
- To incentivize developers and property owners to create workforce, senior, and affordable family rental and ownership housing opportunities by increasing residential density and mixed use where appropriate.
- To promote economic vitality and a greater diversity of housing opportunities in Falmouth.
- To mitigate traffic congestion by promoting housing proximate to compatible commercial uses.
- To promote consistency, quality, and flexibility in site layout and building design.
- To provide housing for people at all stages of life and all levels of income, as set forth in the town's Local Comprehensive Plan.
- To enable the creation of livable, walkable neighborhoods in the town's business districts.

**240-257 Establishment/delineation**

- A. There is hereby established a Mixed Residential and Commercial Overlay District which is an overlay district superimposed at certain eligible locations in existing B-1, B-2, and Business Redevelopment zoning districts. The underlying zoning shall remain in effect and the associated regulations for use, dimension, and all other provisions of the Zoning Bylaw governing those district(s) shall remain in full force.
- B. The aforesaid eligible locations are shown on a map entitled "Mixed Residential and Commercial Overlay District, town of Falmouth" dated xxxx xx xxxx, scale: 1" 1,500 feet. This map, as it may be amended from time to time, is hereby made part of the Town Zoning Bylaw and is on file at the office of the town Clerk.

**240-258 Uses allowed by right**

The following uses will be allowed by right as set forth under this section, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained including Site Plan Review by the Planning Board:

- A. Mixed use development.
- B. Residential multi-family dwelling units with density up to 20 units per 40,000 square feet of upland.

**240-259 Affordability Requirements**

The following requirements shall apply to developments in the Mixed Residential and Commercial Overlay District:

- A. Developments must be eligible for approval as Local Action Units (LAUs) through the Department of Housing and Community Development's Local Initiative Program (LIP) or otherwise shown to be eligible for inclusion in the town's Subsidized Housing Inventory (SHI).
- B. Developments must include an executed regulatory agreement in a form to be approved by the Town Select Board and by the Department of Housing and Community Development (DHCD).
- C. 25% of the rental residential dwelling units shall be Affordable Dwelling Units, occupied by Eligible Households. 100% of the rental dwelling units shall be eligible for inclusion on the town's Subsidized Housing Inventory.
- D. 50% of the ownership residential multifamily dwelling units shall be Affordable Dwelling Units, occupied by Eligible Households and eligible for inclusion on the town's Subsidized Housing Inventory (SHI).
- E. The applicant will be required to contract with a public, non-profit, or private monitoring agency qualified by the MA Department of Housing and Community Development (DHCD) or its successor, and approved by the Planning Board, to ensure that all affordable rental and ownership units initially and thereafter continue to qualify for the town's Subsidized Housing Inventory (SHI).
- F. All residential rental dwelling units leased to an Eligible Household shall be leased for a minimum of one year and shall be occupied as the principal residence of the tenant (s). Rentals for less than one year are prohibited.

#### **240-260 Procedure & Development Requirements**

- A. Any applications and plans submitted shall adhere to the requirements and procedures set forth in Chapter 240, Article XXXIX, Site Plan Review of the Zoning Bylaw and in Chapter 300-15, Site Plan Review of the Town Code.
- B. Notice to abutters is required within three hundred (300) feet of any part of land of the applicant, by regular mail, at least one week prior to the date of the Board's meeting.
- C. Developments must include a minimum of four dwelling units.
- D. Developments must have a minimum lot size of 10,000 square feet.
- E. Maximum building height shall be 35 feet and no more than 2.75 stories.
- F. Developments must provide a minimum of one parking space per dwelling unit on the property or on other property within 300 feet of the property that contains the dwelling unit. An applicant may be granted a reduction in the residential parking requirement provided that a car sharing program is provided and approved by the Board. Shared parking with commercial users of the property may be allowed by the Planning Board under Site Plan Review.
- G. Developments must provide a minimum of 1 space per 300 square feet of leasable floor area for non-residential uses. The Planning Board will refer to Chapter 240, Article XXII, Parking Requirements for any other uses not included in this bylaw.
- H. Sidewalks may be required by the Planning Board under Site Plan Review.
- I. The maximum percent of lot coverage by structures/paving/parking shall not exceed 70%.
- J. Buildings in the mixed residential and commercial overlay district shall have a maximum 20 foot front yard setback, a minimum 10 foot side yard setback, and a minimum 10 foot rear yard setback or no more nonconforming than the existing building provided that the proposed change or alteration is not substantially more detrimental than the existing nonconforming building as determined by the Planning Board. If the new mixed-use building(s) abuts residentially zoned property, then a 20' setback is required to separate mixed use from residential use.
- K. In reviewing proposed developments under Site Plan Review, the Planning Board may reduce the requirements concerning the bulk of structures and parking requirements.
- L. Developments shall meet all Title V requirements. If not connected to the town sewer and if located in a coastal pond overlay district, they may be required to install a denitrification system approved by the Board of Health.

#### **240-261 Decisions**

The Planning Board under Site Plan Review may approve a proposed Mixed-Use Development provided it makes the following findings: 1) the proposed development complies with all applicable requirements; 2) the proposed development provides affordable dwelling units as set forth in this section; 3) the proposed development avoids adverse impacts on the neighborhood.

Or do or take any other action on this matter. On behalf of the Planning Board.

**ARTICLE 4:** To see if the Town will vote to amend the Zoning Bylaw Article XXXIX – Site Plan Review - by amending § 240-193 B. by changing the notice to abutters from 100 feet to 300 feet so that the revised section will read:

**§ 240-193 Procedure.**

B. Before approval of a site plan review, the Planning Board shall solicit public comment at the public meeting where the plan is being discussed. Notice that the Board will be accepting public comments shall be given by advertisement in a local newspaper once at least one week prior to the date of the Board's meeting and by notice to abutters within **300** feet of any part of the land of the applicant, by regular mail, at least one week prior to the date of the Board's meeting.

Or do or take any other action on this matter. On behalf of the Planning Board.

**ARTICLE 5:** To see if the town will vote to amend the Zoning Bylaw Section 240-13 Definitions by adding new definitions related to Article XLVIX Mixed Residential and Commercial Overlay District

**240-13 Definitions**

- **Affordable housing restriction:** A deed restriction meeting statutory requirements in MA GL chapter 184, section 31, in a form consistent with MA Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) guidelines or otherwise allows for inclusion of an Affordable Dwelling Unit on the Town's Subsidized Housing Inventory, which runs with the land and is recorded with the Barnstable Registry of Deeds or Land Court Registry District, and which effectively restricts the occupancy of a low or moderate income housing unit to income eligible households. The term of affordability shall be in perpetuity or for the longest term allowed by law. Said restriction shall contain terms and conditions for the resale of a home ownership unit, including definition of the maximum permissible sale price, and for the subsequent rental of a rental unit, including definition of the maximum permissible rent. Said restriction shall require that tenants of rental units and owners of homeownership units shall occupy the units as their principal residences.
- **Applicant MRCOD:** The person or persons, including a corporation or other legal entity, who applies for approval of a multiunit/mixed use development hereunder. The applicant must own or be the beneficial owner of all the land included in the development or have authority to act for the owners or hold an option or contract duly executed by the owners and the applicant giving the applicant the right to acquire or lease the land to be included in the development.
- **As of right:** development that may proceed under a zoning by-law without the need for a special permit, variance, zoning amendment, or other discretionary zoning approval.
- **Eligible household:** an individual or household whose annual income is less than or equal to 80% of the area wide median income as determined by the US Department of Housing and Urban Development (HUD) adjusted for household size for Barnstable County, with income computed using HUD rules for attribution of income to assets.
- **Eligible location:** areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed-use zoning districts, including without limitation (1) areas near transit stations, bus and ferry terminals, or (2) areas of concentrated development, including town centers and other existing commercial districts.
- **Mixed use development:** a development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, or other uses, including modifications to existing buildings.
- **Multi-family dwelling:** a building designed and constructed so as to contain three or more suites of one or more rooms, each suite provided with individual cooking and other facilities for independent housekeeping, used or intended to be used for the non-transient housing of three or more family units.
- **Permit Granting Authority:** The Planning Board shall be the sole permit granting authority pursuant to any provision of this bylaw.

- **Three Quarter Story:** That portion of a building under any type of sloping roof, which is potentially habitable as defined under Massachusetts Building Code and within which the number of square feet in area is never more than 3/4 of that of the story below. If the square foot area of the subject portion is greater, that portion shall be deemed a story.

Or do or take any other action on this matter. On behalf of the Planning Board.

**ARTICLE 6:** To see if the Town will vote to amend the Zoning Bylaw Chapter 240 Article I through Article XVIX by adopting the Recodification of the existing Zoning Bylaws as shown in a 155± page document entitled

"Zoning Bylaw Town Code Chapter 240 Articles 1 – 14 October 2021"

on file in the Town Clerk's Office, the Planning Office and the Town of Falmouth Website

<https://www.falmouthma.gov/DocumentCenter/View/10448/Recodification-Zoning-Bylaw-Town-Code-Chapter-240-Articles-1-thru-14-October-2021>

The recodification of the Zoning Bylaw is a reorganization and renumbering of the current 95 year old bylaw, with some deletions in order to address:

- Structure and organization
- Clarity
- Conflicts and inconsistencies
- Obsolete and/or missing terms and language
- Conformance with State statues and current case law
- Administrative issues

Or do or take any other action on this matter. On behalf of the Planning Board.

**ARTICLE 7:** To see if the Town will vote approve Funding for Phase 2 of the Recodification of the Zoning Bylaw. Or do or take any other action on this matter. On behalf of the Planning Board.

**ARTICLE 8:** To see if the Town will vote to appropriate a sum of money for the purpose of funding Capital Improvements, to determine how the same shall be raised and by whom expended.

Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 9:** To see if the Town will vote to appropriate a sum of money for the purpose of funding Non-Capital projects, to determine how the same shall be raised and by whom expended.

Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 10:** To see if the Town of Falmouth (the "Town") will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for the roof replacement project at Teaticket Elementary School, 45 Maravista Ave Ext, Teaticket, MA 02536, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town. On request of the Select Board.

**ARTICLE 11:** To see if the Town will vote to appropriate a sum of money for the purposes of funding a renovation of the Police Station, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 12:** To see if the Town will vote to appropriate a sum of money for purposes of acquiring an option to purchase land suitable for a new fire station in the northwestern section of town with the purchase of the land to be authorized by a future town meeting vote, said money to be expended under the jurisdiction of the Select Board on such terms and conditions as it deems prudent and proper, or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 13:** To see if the Town will vote to appropriate a sum of money for the purposes of purchasing Recycling Toter Bins, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 14:** To see if the Town will vote to appropriate a sum of money to the Affordable Housing Trust Fund, for the purposes of funding Affordable Housing, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 15:** To see if the Town will vote to increase the local room excise tax described in G.L. c. 64G, s. 3A from five percent (5%) to six percent (6%) and to determine the effective date of such increase, or do or take any other action on this matter. On request of the Board of Selectmen.

**ARTICLE 16:** To see if the Town will vote to accept the provisions of General Laws Chapter 64G, section 3D and impose a community impact fee of not more than 3% of the total rent upon each transfer of occupancy of a professionally managed units located within the town, or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 17:** To see if the Town will vote to amend the Position Classification Plan for AFSCME Unit A positions and to appropriate a sum of money to fund payment of salary increases effective July 1, 2021, the affected positions being as follows:

	<u>Title</u>	<u>Grade</u>	<u>Min</u>	<u>Max</u>
Delete:	Parking Meter Mechanic	3	\$17.89	\$22.64
Add:	Parking Meter Mechanic/Technician	4	\$19.14	\$24.22
Delete:	Office Assistant - Building	5	\$20.48	\$25.92
Add:	Administrative Clerk - Building	7	\$23.45	\$29.67
Delete:	Senior Office Assistant	6	\$21.92	\$27.73
	Recreation			
	Police			
	Accounting			
	Health			
	Town Clerk			
Add:	Administrative Clerk	7	\$23.45	\$29.67
	Recreation			
	Police			
	Accounting			
	Health			
	Town Clerk			
Delete:	Assistant Zoning Compliance Agent*	8	\$25.09	\$31.75
Add:	Assistant Zoning Compliance Agent*	9	\$26.85	\$33.97

	<u>Title</u>	<u>Grade</u>	<u>Min</u>	<u>Max</u>
Delete:	Administrative Clerk - Conservation	7	\$23.45	\$29.67
Add:	Principal Office Assistant - Conservation	8	\$25.09	\$31.75
Delete:	Senior Office Assistant - Zoning	6	\$21.92	\$27.73
Add:	Principal Office Assistant - Zoning	8	\$25.09	\$31.75
Delete:	Data Collector/Field Appraiser**	8	\$25.09	\$31.75
Add:	Data Collector/Field Appraiser	9	\$26.85	\$33.97
Delete:	Conservation Agent	8	\$25.09	\$31.75
Add:	Conservation Agent	9	\$26.85	\$33.97
Delete:	Principal Office Assistant Human Services Veterans	8	\$25.09	\$31.75
Add:	Administrative Assistant Human Services Veterans	9	\$26.85	\$33.97
Delete:	Conservation/MES Tech	8	\$25.09	\$31.75
Add:	Conservation/MES Assistant	9	\$26.85	\$33.97
Delete:	Assistant Town Clerk	9	\$26.85	\$33.97
Add:	Assistant Town Clerk	10	\$28.73	\$36.35
Delete:	IT Computer Tech Public Safety***	M-5	\$31.03	\$40.45
Add:	IT Computer Tech Public Safety	12	\$32.89	\$41.62
Delete:	Fishery Technician	7	\$23.45	\$29.67
Add:	Marine Fisheries Tech/Biologist	9	\$26.85	\$33.97
Delete:	Assistant to Town Accountant and Finance Director	9	\$26.85	\$33.97
Add:	Assistant to Town Accountant and Finance Director	10	\$28.73	\$36.35

\*Formerly Assistant Zoning Enforcement Officer (position evolved and title was adjusted accordingly)

\*\*Formerly Assistant to the Assessor (position evolved and title was adjusted accordingly)

\*\*\*Formerly Network/Computer Technician (position evolved and title was adjusted accordingly)

Or do or take any action on the matter. On request of the Select Board.

**ARTICLE 18:** To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for a special act to remove all personnel of the Falmouth Police Department from the provisions of Massachusetts General Laws, Ch. 31, s. 1 et seq., the Civil Service Law, or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 19:** To see if the Town will vote to authorize the Select Board, with the concurrence of the Conservation Commission, to lease and provide for the management of the Peterson Farm property, or any part thereof, for a term of not more than 20 years, upon such terms and conditions as the Select Board deems prudent and proper, or do or take any other action on this matter. On request of the Select Board (with Conservation Commission).

**ARTICLE 20:** To see if the Town will vote to accept the provisions of Massachusetts General Laws Ch. 272, s. 73A for the removal of gravestones and other memorials for repair or reproduction in

accordance with rules and regulations of the Massachusetts Secretary of State by community sponsored, educationally oriented and professionally directed repair teams, or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 21:** To see if the Town will vote to accept the doings of the Select Board in the laying out of Winthrop Drive (east side) from Seacoasts Shores Blvd. to Edgewater Drive East a distance of 726 ft. and width of 40 ft. according to plans on file with the Town Clerk for taking as a public way under the Betterment Act, or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 22:** To see if the Town will vote to authorize the Select Board to take all necessary and appropriate action to establish and maintain, in accordance with the provisions of Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of Department of Public Utilities and the Department of Telecommunications and Cable, a municipal lighting plant for all purposes allowable under the Commonwealth, including without limitation the operation of a telecommunications system and related services, or take any action relative hereto. On petition of FalmouthNet.Inc.

**ARTICLE 23:** To see if the Town will request the Board of Selectmen in the interest of public safety as allowed by the provision of General Laws Chapter 90, Section 18, and in the interest of public health, as allowed by the provision of General Laws Chapter 111 Section 31 and 122, to develop a bylaw on the use of town-owned roads bordering on residential zones by commercial vehicles from the hours of 11:00PM to 6:00AM. Such bylaw is intended to provide relief to residential neighborhoods that are plagued with early morning truck traffic and to establish quiet hours in those neighborhoods. The Town will develop a quiet hours bylaw based on sound impact data with a completion date of July 1, 2022. On petition of the Southeast Massachusetts Regional Transportation (SMART) Citizens Task Force.

**ARTICLE 24:** To see if the Town will vote to appropriate \$150,000 of free cash to be used for the design of Compete Streets projects to create a backlog of shovel ready projects eligible for state or federal construction grants. Said sum to be expended under the jurisdiction of the Select Board. On petition of Chris McGuire.

**ARTICLE 25:** To see if the Town will vote to appropriate or transfer from the Ferry Embarkation Fee Fund\* the amount of \$30,000 for the purchase and installation of up to six permanent LED speed signs (cost estimate provided by DPW Director) on Woods Hole Road and Palmer Avenue in order to encourage compliance with posted speed limits, particularly for heavily laden ferry bound truck traffic. On petition of the Southeast Massachusetts Regional Transportation (SMART) Citizens Task Force.

**ARTICLE 26:** To see if the Town will vote to adopt an amendment to Article II, Town Meeting, of the Falmouth Home Rule Charter by amending Sec. C2-3, A and B, so as to read:  
C2-3. Procedures.

- A. Town Meeting shall be held twice annually: in April, on a date chosen by the Select Board, and in the fall on a date chosen by the Select Board.
- B. Town Meeting will consider and act upon, as required, with or without amendments, all proposed operating and capital improvement budgets, appropriations, borrowings, and all other issues that may properly come before it.

Or do or take any other action on this matter. On request of the Select Board and the Charter Review Committee.

**ARTICLE 27:** To see if the Town will vote to adopt an amendment to Article II, Town Meeting, of the Falmouth Home Rule Charter by amending Sec. C2-6, Moderator, so as to read:  
C 2-6. Moderator.

- A. A Moderator shall be elected as provided in sec. C 4-2.
- B. The Moderator shall preside at all sessions of the Town Meeting and shall have no vote unless the members present and voting are equally divided.

- C. The Moderator shall establish and promulgate written procedures for the orientation of all new Town Meeting members and shall conduct an annual meeting at which time said orientation shall take place.
- D. The Moderator, in consultation with the Town Clerk, shall prepare simplified rules of parliamentary procedure, which shall be made available to all elected Town Meeting members.
- E. The Moderator shall appoint ad hoc committees of the Town Meeting as provided in sec. C 2-12B.
- F. The Moderator shall preside at any public hearings to discuss the suspension or removal of the Town Manager

Further to vote to adopt an amendment to Article IV, Other Elected Town Boards and Officers, of the Falmouth Home Rule Charter, Sec. C4-2, Moderator, by deleting subsections B, C and D which are now included in Article II, Town Meeting, in Sec. C2-6, Moderator.

Or do or take any other action on the matter. On request of the Select Board and the Charter Review Committee.

**ARTICLE 28:** To see if the Town will vote to adopt an amendment to Article III, Select Board, of the Falmouth Home Rule Charter by amending Sec. 3-2C, General Powers, so as to read:

C 3-2. General Powers.

C. Making recommendations to Town Meeting on any warrant article, especially those for which other governmental bodies have not provided recommendations.

Or do or take any other action on the matter. On request of the Select Board and the Charter Review Committee.

**ARTICLE 29:** To see if the Town will vote to adopt an amendment to Article III and VII of the Falmouth Home Rule Charter by amending Sec C3-6, B and C, and Sec C7-1 A so as to read:

C3-6. Powers of Appointment.

B. The Board shall also have the power to appoint governmental bodies as provided in Article VII.

C. The Board shall also have the power to appoint other governmental bodies, to define their duties, and to set the limits for the scope of their responsibilities and the terms of their existence. Any such governmental body having a planning function shall coordinate its activities with the Planning Board.

C7-1 Appointing Authority; General

A. The Select Board shall have authority as defined by the General Laws to appoint members to those governmental bodies specifically listed in Article VII. The Board shall also have full appointing authority for other governmental bodies as defined in C3-6C. Prior to making appointments to governmental bodies, the board shall publicize all vacancies to be filled together with information on the filing of applications by prospective members, and the deadline for receiving applications. The board shall also require all chairs of governmental bodies to file with the Town Clerk a description of the duties and responsibilities of the governmental body and the members thereof. The board shall further consult with the governmental body to which appointments are to be made to obtain the names of prospective candidates for appointment. The board shall interview all applicants and make appointments in a timely manner, but no appointments shall be made until the last day for filing applications has passed.

Or do or take any other action on the matter. On request of the Select Board and the Charter Review Committee.

**ARTICLE 30:** To see if the Town will vote to adopt an amendment to Article VII, Appointed Governmental Bodies, of the Falmouth Home Rule Charter, by deleting Sec. C7-3, Change in Composition of Appointed Governmental Bodies.

Or do or take any other action on the matter. On request of the Select Board and the Charter Review Committee.

**ARTICLE 31:** To see if the Town will vote an amendment to Article VIII, Financial Provisions and Procedures, of the Falmouth Home Rule Charter by amending Sec. C8-6A, Capital Improvements Plan, so as to read:

C8-6, Capital Improvements Plan.

- A. The Town Manager shall prepare a five year Capital Improvements Plan consistent with the Strategic Plan and the Local Comprehensive Plan which shall include a clear summary of its

contents; a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, together with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated cost of operating and maintaining the facilities or equipment to be constructed or acquired. The above information shall be revised and extended each year with regard to capital improvements pending or in the process of construction or acquisition.

Or do or take any other action on the matter. On request of the Select Board and the Charter Review Committee.

**ARTICLE 32:** To see if the Town will vote to transfer jurisdiction of a parcel of land at the southwesterly corner of the Mullen Hall School property near the intersection of Katharine Lee Bates Road and the abandoned portion of Hamlin Avenue, which parcel has been declared not needed for school purposes by the School Committee, from the School Committee to the Select Board for municipal purposes, said parcel being shown as "Proposed Lease Area 8.100 +/- S.F." on a plan entitled "Site Plan for #140 Katharine Lee Bates Road prepared for Carousel of Light, Inc. in Falmouth, MA, dated October 26 2020, prepared by Falmouth Engineering, Inc."; and further that the transfer be subject to the conditions determined by the School Committee in its vote of October 28, 2020 as follows: 1) said property shall be used for recreational purposes only; 2) said property shall not be used during hours the Mullen Hall School is in session; 3) any structure on said property shall be located in such place to preserve and maintain views of Shiverick's Pond; 4) any structure on said property shall be located in such place to preserve existing trees; 5) there shall be no smoking or alcoholic beverages permitted on said property; 6) no structure shall be erected on said property until the Mullen Hall School is able to open for class instruction without any Covid 19 restrictions; 7) any lease of said property shall require a removal or decommissioning bond to remove any structure and restore said property at lease end; 8) said property shall revert to the jurisdiction of the School Committee if any use is abandoned or not used for a period of two years or more; and further that the Select Board is thereafter authorized to lease the parcel for a defined lease term not to exceed 30 years upon such terms and conditions as it deems appropriate, and 9) Any use shall include an appropriate fence. Or do or take any action on the matter. On request of the Select Board.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting.

Given under our hand this 13th day of September in the year of our Lord Two Thousand Twenty-One.

Douglas C. Brown, Chairman  
Nancy R. Taylor, Vice Chairman  
Samuel H. Patterson  
Megan English Braga  
Onjalé Scott Price



Warrant for the Annual Town Meeting  
Monday, November 15, 2021  
TOWN OF FALMOUTH  
Select Board

BARNSTABLE, SS. To the Constables of the Town of Falmouth

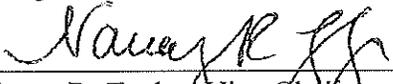
GREETINGS:

In the name of the Commonwealth, you are hereby directed to notify and summons the inhabitants of the Town of Falmouth who are qualified to vote in Town Affairs to meet at Memorial Auditorium, Lawrence School, 113 Lakeview Avenue, Falmouth on Monday, November 15, 2021 at 7:00 p.m. for the purpose of acting on the Town Meeting articles of attached warrant:

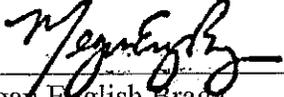
Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 13<sup>th</sup> day of September, 2021.

\_\_\_\_\_  
Douglas C. Brown, Chair

  
\_\_\_\_\_  
Nancy R. Taylor, Vice Chair

\_\_\_\_\_  
Samuel H. Patterson

  
\_\_\_\_\_  
Megan English Braga

  
\_\_\_\_\_  
Onjalé Scott Price

FALMOUTH SELECT BOARD

Barnstable, SS.

Falmouth, MA

By the virtue of this warrant, I have this day notified and summoned the inhabitants of the Town Of Falmouth qualified to vote, as said Warrant directs by posting an attested copy thereof in Town Hall and Every Precinct in the town.

\_\_\_\_\_  
Constable, Town of Falmouth

\_\_\_\_\_  
Date

## **BUSINESS**

7. Interim wind turbine report (10 minutes)

## INTERIM WIND TURBINE REPORT

To Select Board 10-4-2021

The Board has voted to have the wind turbine disposition process proceed. The following items have been underway.

- + The Town has engaged outside special counsel Chris Morog to assist in overseeing challenging contract and procurement issues.
- + Contract has been executed with consultant Weston & Sampson in furtherance of pursuing the disposition of the wind turbines.
- + Several meetings have been held with the consultant, including walking the turbine site, reviewing multiple details and related items to document the bid specifications required.
- + A licensed asbestos inspector visited the site to “sign-off” on the draft specifications.
- + Updated, draft bid specifications were received in mid-August. Further, necessary bid changes were transmitted to the consultant.
- + We have confirmed a previously unrevealed interconnection agreement with EverSource that was executed over a decade ago by personnel no longer with the Town. We are cautiously reviewing this early agreement with legal counsel to avoid unforeseen and potentially costly electrical problems at the wastewater plant. We understand that in order to once again assume responsibility for the wastewater plant electrical grid (as was the case pre-turbine), EverSource must now prepare a design for the Town to upgrade and possibly adjust some portion of this grid.
- + Prior to bidding, we will be interfacing once again with the Clean Water Trust to review the process we are putting in place, as we will be requesting their “sign-off” in an attempt to limit the Town’s total financial liability to the funds that Town Meeting has already appropriated.
- + I anticipate an expanded status report/discussion with the Board later in October or following the upcoming November Town Meeting.

Julian M. Suso  
Falmouth Town Manager

## **BUSINESS**

8. Review and Vote to Approve Minutes of Meetings (5 minutes)  
Public Session – August 30, 2021 and September 27, 2021

TOWN OF FALMOUTH  
Select Board  
TOWN HALL  
59 TOWN HALL SQUARE, FALMOUTH, MA 02540  
Meeting Minutes  
Open Session  
MONDAY, AUGUST 30, 2021

*In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the August 30, 2021 public meeting of the Falmouth select board shall be physically closed to the public to avoid group congregation.*

*Alternative public access to this meeting shall be provided in the following manner:*

1. *The meeting will be televised via Falmouth Community Television.*
2. *Real-time public comment can be addressed to the select board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting, send a comment or question to the Chair either via the Chat function, or use the "Raise Hand" button to ask the Chair to appear on the video to make a comment. Submitted text comments will be read into the record at the appropriate points in the meeting.*
  - a. *Zoom Login instructions:*
    - i. *Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthma.gov/BOS>.*
    - ii. *Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
3. *Additionally public comments may be sent in advance of the meeting to [selectboard@falmouthma.gov](mailto:selectboard@falmouthma.gov) at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.*
4. *Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/select board's Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office at [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov) so they may be displayed for remote public access viewing.*

Present: Doug Brown, Chair; Nancy Taylor, Vice Chair; Megan English Braga; Sam Patterson; Onjale Scott Price.

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. **Chair Brown called the open session to order at 6:30 p.m. and motioned to convene the executive session under 1. M.G.L. c.30A s.21(a)(3) – Discussion and vote on bankruptcy Plan of Reorganization of Mallinckrodt PLC as recommended by Opioid Litigation consortium counsel and M.G.L. c.30A s.21(a)(3) – Affirm collective bargaining agreement – Police Sergeants because to not go into executive session could prejudice ongoing negotiations. Mr. Patterson seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: Ms. English Braga aye; Chair Brown, aye; Mr. Patterson, aye; Dr. Taylor, aye; Ms. Scott Price, aye.**
2. Chair Brown reconvened the open session at 7pm.
3. Pledge of Allegiance
4. Recognition  
Mr. Brown noted the last plane left Afghanistan today and said the loss of lives of the 13 service members and 15 or more injured was a tragic event.  
  
Mr. Patterson said Falmouth EDIC hired Wayne Lingafelter, Executive Director, who is very active as a volunteer member of the Affordable Housing Committee.
5. Announcements

Mr. Patterson confirmed that in the executive session this evening the Select Board approved amendment to collective bargaining agreement with Police Seargents.

Mr. Brown is hoping to have an in person Select Board meeting in two weeks, the Select Board agreed to that plan.

Ms. English Braga asked to reach out to VIPS Board and if they could come and give a report to the Select Board on what they have been doing, VIPS is an important community asset. They are always looking for volunteers and mentors.

6. Public Comment-none.

## SUMMARY OF ACTIONS

### 1. Licenses

- a. Approve application for two, special one-day wine & malt liquor licenses – Barnstable County Agricultural Society – Harvest Festival – Saturday, 10/2/21 and Sunday, 10/3/21  
This was withdrawn, no action taken by the Select Board.

Approval of new dates for previously approved licenses postponed due to tropical storm:

- b. Mr. Patterson one-day wine & malt liquor license – Highfield Hall, 56 Highfield Drive – Sunday, 9/12/21

**Dr. Taylor motion approval. Second Ms. English Braga. Roll Call Vote: Ms. English Braga aye; Chair Brown, aye; Mr. Patterson, aye; Dr. Taylor, aye; Ms. Scott Price, aye.**

- c. Mr. Patterson one-day wine & malt liquor license – Bands for Badges, Cape Cod Fairgrounds – Saturday, 10/23/21

**Mr. Patterson motion approval. Second Ms. English Braga. Roll Call Vote: Ms. English Braga aye; Chair Brown, aye; Mr. Patterson, aye; Dr. Taylor, aye; Ms. Scott Price, aye.**

### 2. Administrative Orders

- a. Authorize application from Planning Department for CPA funding for the Edward Marks Building  
The report is in the packet.

Ms. Scott Price noted the Human Services would move in; will they be in the building while the work is done? Chair Brown said that anything inside should be done first, the foundation work is repointing the joints and securing cracks. Chair Brown and Mr. Patterson do not believe it will prevent occupying the building.

**Ms. Scott Price motion approval. Second Dr. Taylor. Roll Call Vote: Ms. English Braga aye; Chair Brown, aye; Mr. Patterson, aye; Dr. Taylor, aye; Ms. Scott Price, aye.**

- b. Authorize application from Planning Department for CPA funding for Old Burying Ground Condition Assessment Report

Mr. Patterson said that this application would only allow an initial assessment of that cemetery by the Planning Department, so the committee does not have to be in place to begin the process.

Mr. Patterson feels the CPA funds should be used for other services and asked why this is not in the capital budget.

Ms. English Braga asked the price. Mr. Patterson noted Ed Haddad, Historical Commission Chair, is available to answer this question.

Mr. Haddad said he received a quote of \$75,000 for 750 historic gravestone preservation, for about an hour's work for each gravestone. This includes a consultant who will develop a conditions assessment report, is expert in this type of work, would document what is needed, memorialize the inscription on the stone, map the area, create a directory, and document the steps to restore it with a cost for each gravestone. This type of activity has occurred in other Falmouth graveyards, we are not creating something new that has not been done before.

Dr. Taylor asked, who owns the gravestones? Mr. Haddad does not know; however, the Town owns the graveyard. Ms. English Braga asked if the Select Board could have Town Counsel Duffy's input on this question. It is likely different for different gravesites, some are hundreds of years old, some more recent.

It would be helpful to understand that, and Town Counsel could assist in determining if that is part of the assessment.

Mr. Patterson does not know if the Community Preservation Committee has recommended funding this project.

Mr. Haddad explained this is the start of the application process, get approval of Select Board, then to the CPC, then back to the Select Board, then to Town Meeting.

**Mr. Patterson motion approval and refer to the CPC. Second Dr. Taylor. Roll Call Vote: Ms. English Braga aye; Chair Brown, aye; Mr. Patterson, aye; Dr. Taylor, aye; Ms. Scott Price, aye.**

- c. Authorize application from Recreation Department for CPA funding for Falmouth Youth Baseball Fields Improvements

Joe Olenick, Recreation Department Director, this is for the little league fields by Gifford Street, three baseball fields, for fencing, lighting. They will try to break it down to phases over a few years.

Chair Brown received an email from Robert Brown who said that this was for accessibility to fields and wanted to know if something could be applied to the ramp to the Trotting Park Field. Mr. Brown suggested grant funding.

Mr. Olenick said the Parks Department plans to redo that ramp, they need to engineer it, DPW is very busy now, they will try to lay it out to give handicap individuals a way to go to the field.

**Dr. Taylor motion to authorize the application. Second Ms. English Braga. Roll Call Vote: Ms. English Braga aye; Chair Brown, aye; Mr. Patterson, aye; Dr. Taylor, aye; Ms. Scott Price, aye.**

- d. Authorize application from Department of Public Works for CPA funding for Water Stations Related to the Falmouth Water Stewards efforts.

Mr. McConarty said the Water Superintendent is working with Alan Robinson who is putting water stations around Town, they have a list of areas they want to work on, the cost is about \$5-6,000 each. The DPW hooks up the water and pours the concrete pads the water stations are set upon.

**Ms. English Braga motion approval. Second Dr. Taylor. Roll Call Vote: Ms. English Braga aye; Chair Brown, aye; Mr. Patterson, aye; Dr. Taylor, aye; Ms. Scott Price, aye.**

- e. Authorize application from Highfield Hall for CPA funding for Highfield Hall Gutter and Fascia Rehabilitation

**Mr. Patterson motion to authorize the application. Second Dr. Taylor. Roll Call Vote: Ms. English Braga aye; Chair Brown, aye; Mr. Patterson, aye; Dr. Taylor, aye; Ms. Scott Price, aye.**

- f. Acting as trustees of Falmouth Affordable Housing fund vote grant of up to \$25,000 for technical assistance for development of affordable housing at Emerald House properties

Carla Feroni, Housing Coordinator, this would be to collaborate with the state getting some technical assistance from them with a full site feasibility study. MA Housing Partnership will provide for some engineering, community engagement, and this has gone thorough Community Preservation Committee at 8/12 meeting, and they recommended in favor of this.

Doug Brown noted the advocates for the play space found out about this, they talked about wanting another site for the play space. Would the people look at a survey with the play space and without? Julian Suso noted they are supportive of inquiries into another location, they have not assigned staff to look. They expect to include the play space in this space.

Dr. Taylor asked about the size of the community play space and is this the typical process for affordable housing for land owned by the Town. Is this a similar process that was done for Little Pond Place.

Mr. Patterson noted Little Pond Place is built on land the Town purchased.

Mr. Suso noted the Emerald House site is two separate parcels and a multitude of competing uses potentially for this property. They want to make sure to do the best due diligence for the Select Board for optimal use. One is an Article 97 property, the other is not. Article 97 is a restriction that if it's taken out of use, it needs to be replicated elsewhere. The Emerald House is on the parcel that is not part of Article 97.

Mr. Patterson said on Little Pond Place properties there was a conservation portion and a housing portion. They put a request out to anyone who would create 48 units. In this case we're looking at concepts on how the parcels can be used.

Ms. Feroni said that 67 Davisville has the Article 97 restriction; 81 is where you could do affordable housing.

Dr. Taylor would like to see the \$25,000 go to the actual units. In doing this, would this potentially speed up the process of getting this done or not?

Mr. Suso has significant questions on the most appropriate approach to divide up these properties, this analysis will give the Select Board enough information so that they can move forward more swiftly than others.

Kathleen Haynes said the play space was meant to be at 81 because the parcel is flatter, the community garden was going to be on the parcel with the Emerald House.

Ms. English Braga motion approval. Second Dr. Taylor. All aye.

- g. Authorize Town Manager to apply for grant funding to supplement the potential purchase of recycling carts

Mr. Suso noted a recycling cart is 60-90 gallons with a handle.

Mr. McConarty explained curbside contract ends 5/31/22, and looking at different options on what can be done to help the contractor with curbside recycling. There are grants to help purchase these carts. Benefits include the trucks will be able to be automated, drivers won't get out of vehicles, could be health insurance benefits, and it will be neater/faster. Trucks already have the automated arm on them. The cost of solid waste and recycling will go up, we will be able to negotiate a better price with automation. The contractor picks up biweekly, so looking at the 95-gallon cart with goal to fit more recycling.

Ms. English Braga noted that this will help minimize loads from being rejected. Also takes the recyclables out of the trash stream. The Town has continued to have the recycling program, people should be separating their recyclables. Right thing to do for the environment and economically for our community.

Dr. Taylor asked, when they will renegotiate, and is it with Republic?

Mr. McConarty said Republic is the only Cape Cod contractor, looking around November/December timeframe to go through the contract. The recycling coordinator position, Mary Ryther, is collecting from the contractor. They have had conversations with the contractor, about 22,500 carts would be needed and cost about mid \$50's range. There is a shipping cost as well. These will be delivered by contractor to the residences. All the Republic trucks are the same trucks, they look the same and operate the same, but there are separate recycling and trash trucks.

Mr. Suso confirmed it is the ideal time to proceed with this, looking at grant opportunities, also capital plan includes funding for these carts.

Ms. English Braga motion approval. Second nt. All aye.

- h. Vote to exempt Diana Molloy, a member of the Board of Health, from certain provisions of the Conflict of Interest Law with her new employment at Visiting Nurse Association

Mr. Suso said Atty. Duffy indicated this is acceptable as long as Select Board votes to agree with the State Ethics, as long as she excludes herself when there would be any conflict.

Mr. Patterson motion to exempt Diana Molloy, a member of the Board of Health. Second Dr. Taylor. All aye.

3. Mr. Patterson special Events

**Recurring - Recommended:**

- a. Autumn Escape Bike Trek – American Lung Association – ride through Falmouth – Saturday, 9/25/21

Doug Brown is concerned about Quissett and Sippewissett, he believes they need a police escort. Doug Brown would condition that the police provide a supervision of that section of the road.

Mr. Patterson is not sure what safety measures they use for police for safety of the riders.

Ms. English Braga trusts that the sergeants will know what details to recommend and will take public safety seriously and are aware of the challenges on these roads.

Ms. English Braga motion approval with the following conditions: Use of 1 or more police details as affirmed by the Falmouth Police Department (FPD) in their analysis. Second Mr. Patterson. All aye.

- b. Dream Cruise – Falmouth Classic Car Club – Library Lawn, Shore Street Ext. – Saturday, 9/18/21  
Mr. Patterson motion to approve. Second Dr. Taylor. All aye.

- c. Wings for Falmouth Families Scavenger Hunt – Wings for Falmouth Families – Start/finish Marina Park – Saturday, 10/2/21  
Mr. Patterson motion approval. Second Nancy Taylor. All aye.

- d. Chris Wetherbee Memorial Toy Run – Ride from Buzzards Bay to Navigator, Falmouth – Sunday, 11/7/21  
Tammy Baptiste present.

Ms. English Braga disclosed she is the Vice President of the Navigator, does not receive compensation for that, and they do not charge for this event.

Ms. Baptiste noted that the Navigator donates the facility. Motorcycle ride by her and her family in her mother's memory who became a part of this ride over 30 years ago. Benefits needy children all over Cape Cod. All the toys stay on Cape Cod. They put forth start-up funds, Eagle's Hall and Navigator donate their space. They ride Buzzards Bay to the Navigator. About 200 participants each year. The route is from Eagles Hall Buzzards Bay, over the Bourne Bridge, Shore Rd, to 28A, Brick Kiln Rd., to Sandwich Rd.

Ms. English Braga motion approval. Second Dr. Taylor.

Ms. English Braga motion approval waiver of fee. Second Scott Price. All aye.

**New – Recommended:**

- e. Old Stone Dock Association Meeting – Surf Drive Beach – Friday, 9/3/21  
Ms. English Braga motion approval. Second Dr. Taylor. All aye.

**PUBLIC HEARINGS**

1. Vote to adopt Stormwater Management Rules and Regulations, continued from 8/9/21 (15 minutes)

Mr. Suso said they began conversations with Conservation Commission about the appeal role of regulatory actions by the DPW to regulate stormwater. It was asked they discuss this in September, Mr. Suso requested this hearing be continued to the Select Board meeting on 9/27/21 at 7:30 p.m.. Atty. Duffy suggested that additional time.

Continuing hearing by Ms. English Braga. Second Dr. Taylor. All aye.

2. Application for Multiple Amendments to an All Alcoholic Common Victualler License – Falmouth Golf Management d/b/a Falmouth Country Club, located at 630 Carriage Shop Road, East Falmouth, including Change of Officers/Directors and Change of Ownership Interest (15 minutes)

Ms. English Braga read the hearing notice in the packet.

Jennifer Gallagher present to answer questions. Her client purchased the Indigo portfolio at the beginning of the year, this is a regulatory filing to replace the officers and approve the new ownership structure. No changes to on site operations.

Public Comment: none.

Mr. Patterson motion to close the hearing. Ms. English Braga second. All aye.

Mr. Patterson motion approval. Second Scott Price. All aye.

3. Application for Renewal of Shellfish Aquaculture License #A10-04 issued to Peter Chase of Quissett Oyster Co., LLC, 35 Westmoreland Drive, Falmouth, MA 02540  
Ms. English Braga read the hearing notice.

Mr. Suso noted no changes to the permit.

Peter Chase reported nothing new, he's been out there for 15 years and looking for renewal.

Public comment: none.

Scott Price motion to close the hearing. Mr. Patterson second. All aye.

Ms. English Braga motion approval. Scott Price second. All aye.

## **BUSINESS**

1. Discussion/update on COVID-19 issues

Scott McGann, Health Agent, article in Enterprise about COVID vaccine at fairgrounds, that was actually for testing. Mr. McGann shared his screen and reviewed the Town weekly case count 8/30 1,713, average about 2-3 cases per day. We are doing above average compared to others towns in the county. Positivity dropped to .5%. Hospitalizations we are in the 3-4 range. Vaccinations about 299 doses administered over 7 days, 155 first doses, 79% of eligible residents are fully vaccinated. Third doses, those with moderate/severe immune compromised are recommended to get a third dose/booster. The roll out plan for the booster shot is unknown at this time. It may be more local health that will administer the booster/third dose. Schools open next week, there will be a second clinic tomorrow at the FHS for vaccinations. As the schools feel the need, they will do vaccinations as needed. State required indoor masking at schools. There is also a test and stay option, school would test daily using the rapid test. State is not looking for remote learning, they will work more on test and stay rather than quarantine to help keep school as normal as possible. Delta is more transmissible, there are not the mitigation processes used that there were last year.

2. FY23 Operating Budget Policy, Financial Update, and Capital Plan Presentation – Jennifer Mullen, Finance Director

Jennifer Mullen, Finance Director, reviewed the operating budget policy, this is the second fiscal year we are back to normal operations after the pandemic. The policy in the packet, requesting departments to submit a 2.3% budget increase because the tax levy can be increased by 2.5%, but that is only a portion of the Town revenues, that is why look at 2.3%.

Mr. Patterson concerned about priorities maintaining public health and safety and basic services. He asked about other priorities including coastal resiliency, staffing, environmental remediation, economic development/redevelopment. He is concerned we are not addressing those issues that keep coming up. What are we doing with staffing to plan and look at actionable plans so we know what the decision process is, and he does not see it in the priorities. He wants a policy that says we are looking forward.

Jennifer Mullen said first 2 major are taken from Select Board strategic plan. In budget policy they don't address staffing. They look at coastal resiliency, it's more of a capital plan, not the operating budget. If asking for position in the operating budget, it is not part of the policy, it is a directive from the Select Board to Mr. Suso. \$200,000 appropriated over two years and only spent \$30,000, and that money is still on the books. This is an overall budget policy and what is stated is directly from the strategic plan.

Dr. Taylor asked about \$170,000 in the coastal resiliency line item: why we have not used that money to bring in a consultant, planner, or someone to look at coastal resiliency and tell us the best way to proceed. It doesn't appear to be a policy issue, there is money put aside, we are being responsive by putting money into the acct, just need to move forward and use it properly.

Doug Brown said Coastal Resiliency Action Committee finalized its report, and it is online. Mr. Suso noted it has not been adopted by the Select Board, so there are things that need to happen. Received recommendation from

Transportation and Bicycle Committees to put in \$200,000 into operating budget for complete streets, Mr. Suso felt more appropriate in the operating budget. But stormwater planning has their funding in the capital budget.

Jennifer Mullen said we are talking about the operating budget policy, it just guides us.

Scott Price said the capital improvements are for equipment, what do we do with old equipment? Jennifer Mullen said it is usually traded in against what we are buying.

Ms. English Braga motion approval of the policy. Scott Price second. All aye.

Jennifer Mullen reviewed the capital plan for November Town Meeting and made a PowerPoint presentation. Use of one-time revenues to fund one-time expenses. When the plan is put together, it is put together according to the Select Board's strategic plan.

Capital Facility Plan Review: Teaticket roof replacement (Nov. Town Meeting Article \$3.7 million) - construction likely next summer; Bournes Pond inlet widening is permitted and will start March 2022; Sandwich Road Fire Station issued Request for Qualifications for architects and had 5 applicants and design/development article will move forward in April and ballot question in May; Wastewater Treatment Plant upgrades part of the Wastewater Management Plan, in process of choosing project manager, and there will be a request in November, and the sewer expansion. These are major capital projects over \$1 million that fit into the capital plan.

Doug Brown asked about inlet widening. Jennifer Mullen believes DEP approval was received for that project. Mr. Suso anticipates approval imminently; he will check with Mr. McConarty to confirm.

One time higher than expected free cash because at close out of FY2021, proceeded cautiously with lower estimates, reduced by almost \$2 million, revenues came in \$1 million more than pre-pandemic. Departments spent less than their budget allocation, and there were unspent override items. Recommending \$1.7 million for Wastewater Treatment Plant design, take it from ARPA Funding, received from the Federal government, which we have about \$3.2 million in and it can be used for waste water and water projects. That frees up the flexibility with the free cash.

Ten-year plan and detail sheets for funding are in the Select Board's packet.

Major initiatives include:

Replace the CAD system and a station alerting system for public safety.

Roadway maintenance and construction including Complete Streets

Vehicle Replacement--electric vehicle with charging station

Water upgrades and Fresh Pond Well Reactivation

Andrews Farm Building Demolition

Future policy discussion

Doug Brown asked about considering if funding dedicated for Complete Streets planning, that would allow engineering staff or contractor to develop plans for Complete Streets initiatives to be shovel ready. What is being done is pedestrian focused, but it's only one aspect of Complete Streets. He supports the Transportation Committee and Bicycle and Pedestrian Committee \$200,000 with line item for Complete Streets.

Mr. Patterson agreed with Doug Brown, looking at this ongoing problem and see if we can improve pedestrian, bicycle, and motor safety. Look at traffic patterns throughout Town as well and parking. It is an ongoing process, part of the certified free cash came because we did not have the staff to spend that money.

When DPW designs the Katharine Lee Bates roadway, they incorporated Complete Street into the project. Also have transportation engineering that has been increased.

Scott Price would like to discuss it more at a future meeting.

Jennifer Mullen noted it is a management issue with Mr. Suso and Mr. McConarty.

Jennifer Mullen noted water upgrades and Fresh Pond Well Reactivation, the Water Superintendent is on board and looking at what we need capital for.

Andrews Farm building demolition, this is a future policy discussion for the Select Board.

Jennifer Mullen would like a vote to move it along to the Finance Committee. Won't need an article for the wastewater.

Doug Brown asked to add the line item for consideration by the Finance Committee for Complete Streets planning initiative. Mr. Patterson seconds that.

Dr. Taylor noted thought need more of a conversation with Mr. Suso and Mr. McConarty before doing so?

Mr. Patterson noted the question about Complete Streets is more long-term than a one-time procurement.

Mr. Suso thinks Complete Streets if project-focused to be successful, it can be included in public works in their FY2023 budget and can be better identified in the upcoming budget.

Doug Brown asked, if ongoing planning effort, it would belong in the capital budget for design planning.

Ms. English Braga thinks the way to dive into this is to have it as something on a meeting where the Select Board hears from Mr. McConarty and flush out from his perspective and engineering on how they address Complete Streets and projects in general. Need direct feedback from staff we ask to implement these projects. She would feel more comfortable making those decisions once the Select Board has this. Maybe it doesn't happen for this capital plan, but going forward.

Scott Price asked about an item \$4 million to affordable housing. If we take a vote are we approving that that become a warrant article? Doug Brown said voting to send to Finance Committee for their recommendation. Received an email from Mr. Suso a couple weeks ago about appropriating \$3 million, but Jennifer's presentation says \$4 million.

Jennifer Mullen said technically we're proposing \$3+ million, so they are proposing \$4 million. Would not have 2 same working articles, just combine it into 1, it transfers into the Affordable Housing Fund and can be discussed in the next agenda item. From free cash they could do \$4 million this year.

Doug Brown said the \$1 million was intended to fund it each year. Jennifer Mullen said it has to come back every year as a vote to use free cash.

Dr. Taylor asked do we need their article 1, she is thrilled they can put \$4 million into affordable housing at this time.

Jennifer Mullen said she'd like overall approval of Select Board, once the warrant articles are voted, then those get sent to Finance Committee. But she wanted to convey the whole picture.

Tonight the Select Board votes the \$7.32 million plan to the Finance Committee. Ms. English Braga noted ultimately it is the recommendation of the Finance Committee; the earlier they get it, the better.

Jennifer Mullen said if there is something she mentioned tonight that the Select Board does not like, it is good to let her know.

Doug Brown asked about the long-range plan and severing projects.

Jennifer Mullen said it is part of the capital facility plan, it is part of the debt drop off. Asking for funding \$20 million for upgrades to wastewater treatment plant. \$60 million for shoring?

Mr. Patterson motion to refer to Finance Committee. Second Dr. Taylor. 4-yes, Scott Price-no. Scott price doesn't understand the \$4 million affordable housing and how it will work, so she voted nay.

3. Discussion on proposed warrant articles from Affordable Housing Committee (10 minutes)  
Wayne Lingeafelter, Kathleen Haynes

Wayne present on behalf of the Housing Committee and was asked to speak briefly. Distributed final version of report by Ed Curley, Chair, on Friday. One change made was creating a phasing for different funding enhancement programs identified. Pleased they will consider the 3 articles part of the first phase. Affordable Housing Committee does not have standing at Town Meeting, works at behest of the Select Board, it's a critical step the Select Board is taking, they recommend passing these articles and hope that the Select Board will be the petitioner. They are prepared to do whatever is required to help with the passing of the articles. It is exciting to hear about the \$4 million that Jennifer Mullen touched on; that is significant and will make a difference to the

housing crisis. What they put forward, while \$1 million in plan as general fund contribution, all they have done is to look at sustainable revenue sources, the \$4 million is a great place to start. Current subsidy rate is \$100,000 per unit, so that represents 40 units of affordable housing, recommendation is for 74 units to be created each year in Falmouth. The committee's vision is to put ongoing and sustainable, and recurring funding sources in place. They spoke with a number of community organizations, they had favorable response from the various folks they met with including the EDIC, Chamber of Commerce. Select Board met in July at a meeting, said the affordable housing crisis is changing the quality of Falmouth.

Ms. Scott Price asked if article 1 is redundant if we decide to move forward with the \$4 million, and this is new information to you. Housing Coordinator is on the Affordable Housing Committee, did she not pass that information on to the committee or was she not aware of this article proposed by the Town. Wayne said that they became aware the Town was considering a considerable contribution, but they did not get the details on that. Committee recognizes they cannot submit an article for a multiple-year request, so report asks for that, the article doesn't reflect that because they were advised that was not allowed. They wanted to cover their bases, and because they view it as ultimately recurring, they left it on the list. They heard in meetings they had was the importance the Town needed to step up in affordable housing with bigger contribution. Wayne doesn't view this as competition, it was their intent to come back in April and ask for this to become a recurring budget recognizing it needs to be approved each year. This crisis will not go away in 12 months, and they will be back asking for the Select Board consideration for this kind of funding.

Mr. Suso noted the article drafted through Town Counsel for \$4 million amount, and it's essentially identical to this. The Select Board discussed removing the first article.

Dr. Taylor motion to remove article 1 and replace with the Town article for \$4 million. Second Mr. Patterson. All aye.

#### Article 2

Jennifer Mullen noted moving hotel/motel rental tax from 5 to 6% is fine, but you can't direct it to the fund. Article should remove that language because in violation of State law. First increase the tax; look at the amount of money, then a separate article to appropriate it into a fund. Same with Article 3. When you increase those taxes, you will have a date certain you want to do it. Once adopted as local option, you will know the date, then another article, town meeting, and then into the Affordable Housing Fund.

Wayne said they were made aware of the issue Jennifer Mullen just raised, they lose language like designate which is different than allocate, because they understand the process does not allocate money at this point. The language was reviewed by Atty. Duffy, and he offered the guidance to them.

Scott Price suggested approving the way it is written and ask that Town Counsel review, it's important for that language to be there because it's important the Town knows what the goal is.

Dr. Taylor can't vote that way, wants Town Counsel's input first, then vote it.

Mr. Patterson said they are submitting an article with draft language, the Select Board has opportunity to amend it.

Jennifer Mullen will talk with Atty. Duffy, She said that when it is brought to Town Meeting, need to make sure they know what they are voting on and what will happen with that vote. They have lengthy explanations in the Town Meeting book. In the explanation they can explain it will be designated to Affordable Housing Fund, it's really a policy of the Board.

Dr. Taylor would like it in the explanation, not in the article.

Mr. Patterson motion to submit Article 2 as a Select Board article, as written, and to be revised. Second Scott Price. All aye.

Ms. English Braga asked Mr. Suso if they have to vote this tonight for their timeline? Had the conversation that it can be changed, but it's always messy. If they want an article to be successful, and if there is time to get clarification from Atty. Duffy, she would like to do that.

Jennifer Mullen said this article will be taken up when all articles are presented to the Select Board at once.

#### Article 3

Doug Brown said a note from Realtor's Association stated they were under impression there was going to be a property transfer fee, but he doesn't see that.

Mr. Patterson motion to submit. Second Scott Price. All aye.

4. Interview, vote and appoint committee member (5 minutes each)

a. Falmouth Housing Authority Tenant Board Member –  
Kathleen Haynes

All tenants affected by HUD should have equal representation, and being Chair on the Commission of Disabilities, she would like to learn more about housing and interest in disability housing. The Housing Production Plan notes disability housing is needed.

Marianne D. Keevins-not present

Deborah Cotton-not present

Stephen MacDonald-not present

Ms. English Braga noted a lot of these folks do not have the capability to use Zoom, the group has been meeting via Zoom. Mr. Patterson noted Housing Authority Facility does not have the connectivity, this is not very fair and may not allow the Select Board to pick the right person, he suggested putting this over to the next meeting. Ms. English Braga does not feel it is fair, cutting out folks who may have valuable insight. The Falmouth Housing Authority is also meeting via Zoom. Ms. English Braga suggested giving opportunity to these individuals at the next in person meeting and ask if they are able to get assistance to access meetings via internet.

b. Commission on Disabilities –  
Meghan Lino

She would like to help advocate for others with disabilities and try to get projects done to help the disabled in Town.

Ms. English Braga motion approval to a term ending 6/30/24. Second Dr. Taylor. All aye.

c. Cultural Council –

Ilene Karnow

Ms. Karnow served on a Cultural Council in Lawrence, found it rewarding, she is a former grant writer.

Ms. English Braga motion approval to term ending 6/30/24. Second Mr. Patterson. All aye.

Carrie Fradkin

Ms. Fradkin is an artist, teacher, and graphic designer and would complement skill sets of others on the committee. She would like to promote the arts and science. VIPS volunteer.

Scott Price motion approval to 2024. Second Ms. English Braga. All aye.

Marlene Bohn

Ms. Bohn thinks it is important to provide grants to wide, diverse group of people and provide grants that will benefit diverse group of people. Important to provide access to arts and sciences to underserved populations. The Council is provided money from the State to then gives grants, they welcome the Town sending money to them as well. There will be a 6-week window where people can apply for grants, they are then reviewed (250-750), this year due to COVID-19 there is a big need for operating funds for artists, people haven't been able to go to venues to get their art out there.

Ms. English Braga motion approval term ending 6/30/24. Second Dr. Taylor. All aye.

d. Zoning Board of Appeals –

Gerald Potamis

Mr. Potamis noted he was in front of the Select Board recently and has nothing to add.

D. Scott Peterson

Lifelong Falmouth resident, built 5-6 homes in the 1980's, then moved into waste management. He can bring a balanced overview of the process. He had 18 energy from waste facilities around the U.S., retired recently and he would be a benefit to the ZBA.

Susanne Murphy

New full-time resident, left Zoning Board in Walpole, did Planning Board for three years. She has expertise in zoning, and other committees. She would like to give back to Falmouth. She watched a few meetings online, May, June, and July.

Dr. Taylor nominated Mr. Petersen as alternative position ending 6/30/26. Mr. Patterson second. All aye.

Mr. Patterson motion to appoint Mr. Potamis as alternate position ending 6/30/24. Second Ms. English Braga. Patterson aye. English Braga aye. Scott Price aye. Taylor nay. Brown nay.

Ms. English Braga asked Ms. Murphy to keep her eyes out for openings that come up, she has significant experience.

5. Vote to adopt five-year strategic plan FY2022 – FY2026 (10 minutes)

Mr. Patterson noted they didn't talk about the AAA bond rating and need to be aware of the big risks. The financiers award this rating, not the citizens. He would like leadership from the Town management.

Doug Brown felt it is great we have the AAA bond rating, but there are needs and services impending upon us that may affect that rating. The \$4 million will go quickly because it pays 40 units. Suggested doing an assessment of Town properties that may be developed and create a development.

Ms. English Braga said that the Select Board creates a priority/project/initiative and the Select Board updates the Strategic Plan each year. We can't allow ourselves to lock into the mindset we can't go beyond that, but she feels it is project specific. It is the Select Board's role to say this is what we want with this piece of it, Mr. Suso will execute to the best of his abilities, what the Select Board directs him to do and the policy the Select Board sets. All affordable housing stakeholders will have a say in using the \$4 million. Coastal Resiliency is similar, the Select Board makes the decision.

Dr. Taylor agrees with Mr. Patterson, there is a commitment on the part of the Town for affordable housing, she wants to have a conversation in a year about what was done with the \$4 million. Coastal Resiliency, we have \$170,000 sitting there, why not get someone to look at what needs to be done to address it. She would like to see how quickly the Town gets something done with the \$4 million.

Mr. Suso noted it starts with setting money aside and the \$4 million is not committed at this time. Working on the Emerald House options.

Improving permitting access. Doug Brown would like to have a line on improving the permitting environment so people have a better sense of what it will take to permit in Falmouth. Third party review of engineering plans is cumbersome and some confusion by the applicants and engineering regarding guidelines of review and project development re: subdivisions. He would like to impart the idea that the Town wants to be more helpful to developers. Improve permitting environment to be more user-friendly to the applicant.

Ms. English Braga may not want that exact working, want to be careful not say pro-business, but understands that Doug Brown is looking for language to show that we have a place that is user-friendly. Mr. Suso and Mr. McConarty could develop a broader concept.

Mr. Suso asked if the Select Board is willing to adopt the plan as edited.  
Motion to adopt the plan as amended. Second Scott Price. All aye.

6. Discussion on streamlining Select Board agenda (10 minutes)

Doug Brown took this from comments by Dr. Clark, some items on the Select Board agenda are things that could be done by staff. Ideas: beach weddings, some smaller events, other suggestions to remove. Perhaps utility easements in roadways.

Ms. English Braga would like insight from Atty. Duffy regarding what the Select Board can offload. And if they offload something, there needs to be a mechanism that the public sees what it is. Some have to have a public hearing such as utility easements.

Mr. Suso will take it up.

Ms. English Braga asked that folks who volunteer for the town are placed high up in the agenda.

Dr. Taylor would like to see presentations moved earlier. The new checklist from the special events working group, it is included in the packet, Dr. Taylor much prefers that. They do not need the emails with the conversation thread.

Mr. Patterson noted committee reports should have a certain time limit.

7. Discussion on future grant funding

How do we identify grants and who is in charge for applying. Are we missing opportunities for grants?

Ms. Scott Price asked if he is talking about any grants anyone can apply for.

The email filter is excluding those emails.

Ms. English Braga would like to know what department heads do to capture those grant opportunities.

Mr. Suso expects department heads to monitor grants in their field. Many are members of list servers with colleagues throughout the State. Some are more aggressive than others in seeking grants out. Many have unintended strings attached, they become unwieldy with regard to administrative and reporting requirements that become time consuming. What is being offered, timetable, what the local match is, may not be in budgeted funds for the Town's priorities.

Doug Brown asked if they should hire someone to scour the internet for grant opportunities. The most successful communities are the ones that have folks with experience to work with their colleagues and work experience with the grants that are more worthy and helpful.

Ms. Scott Price suggested possibly a part time person to help with the grants.

The soon-to-be-filled Deputy Director position could assist Mr. McConarty in those areas as well.

Doug Brown noted Coastal Zone Management grants will be important to us, if they were to start with hiring someone they could begin there.

Mr. Patterson commented on coastal resiliency, it would be fundamental for the Select Board to adopt a plan, he does not know the Select Board's priorities on it.

Ms. English Braga would like to come back to this with input from Mr. Suso and department heads, would someone who is professional be appropriate, and ideas about how many grants the Town has taken advantage of.

8. Review and Vote to Approve Minutes of Meetings

Public Session –

May 24, 2021

Doug Brown commented critically on this, imperative to get the meeting minutes done sooner.

Scott price May 24, 1<sup>st</sup> page, #7 Sandra Faiman-Silva

Mr. Patterson motion to approve and release as corrected. Second Ms. English Braga. All aye.

June 7, 2021

Mr. Patterson a lot of incoherent p. 8 under #8, not edited well and would like to have this reviewed again and back to the Select Board with a more complete and refined version. P. 7 include that in #6 -what does that mean?

Mr. Patterson will send an email to Mr. Suso...read through this, they were not well prepared.

9. Individual Select Board Members' Reports

Mr. Patterson noted the hearing on the machine gun range was useful.

10. Town Manager's Report

This past Tuesday the initial meeting of the Community Broadband Fiber Work Group meeting was held, consistent with the mission statement adopted by the Select Board.

Select Board receipt of Town Meeting articles: Warrant closes this Friday, September 3, 2021 at the end of business. Next Select Board meeting 9/13/21.

Scott Price asked about updates on Affirmative Action Coordinator position. Mr. Suso noted School finishing up on checking references.

Ms. English Braga motion to adjourn. Second Scott Price. All aye. At 11:05 p.m.

DRAFT

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, SEPTEMBER 27, 2021**  
**SELECT BOARD MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

*In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the September 27, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.*

*Alternative public access to this meeting shall be provided in the following manner:*

1. *The meeting will be televised via Falmouth Community Television.*
2. *Real-time public comment can be addressed to the Select Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting, send a comment or question to the Chair either via the Chat function, or use the "Raise Hand" button to ask the Chair to appear on the video to make a comment. Submitted text comments will be read into the record at the appropriate points in the meeting.*
  - a. *Zoom Login instructions:*
    - i. *Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthma.gov/BOS>.*
    - ii. *Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
3. *Additionally public comments may be sent in advance of the meeting to [selectboard@falmouthma.gov](mailto:selectboard@falmouthma.gov) at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.*
4. *Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board's Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office at [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov) so they may be displayed for remote public access viewing.*

Present: Doug Brown, Chair; Megan English Braga; Sam Patterson; Onjalé Scott Price.

Absent: Nancy Taylor

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order by Chair Brown at 7pm.
2. Pledge of Allegiance
3. Proclamations
  - a. National Hispanic Heritage Month  
**Ms. English Braga read the proclamation in the packet as a motion. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**
  - b. Falmouth Chamber of Commerce's 2021 Falmouth Citizen of the Year – Brenda Swain  
**Mr. Patterson read the proclamation in the packet as a motion. Second Ms. Scott Price. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**
4. Recognition

Chair Brown recognized Congressman Keating, Senator Ed Markey, County Commissioner Mark Forest for spearheading working with the Airforce to take on responsibility for the firefighter foam contamination.

5. Announcements  
Scott Price noted this Saturday the Falmouth Police Department is celebrating its 100-year anniversary.
6. Public Comment-none.

## 7:15 p.m. SUMMARY OF ACTIONS

### 1. Licenses

- a. Approve application for an Annual Entertainment License – Coonamessett Farm – 277 Hatchville Road, Hatchville

**Mr. Patterson motion approval. Second Ms. English Braga. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

Chair Brown noted hours are daily noon-9pm. Mr. Suso noted they need to apply separately for Sunday.

Ron Smolowitz said they filed two forms with the Select Board office, one has a checkoff box that they apply with Sunday and Sunday is through the State with a separate fee through the Select Board office. Ms. English Braga noted there is a license for Sunday. Their entertainment license with the Town is what really defines the hours.

Mr. Suso will clarify and bring it back to Select Board next week, if necessary.

- b. Approve application for Change of Manager of an All-Alcoholic Beverages Common Victualler License – New Cape Cod Country Club, Inc. d/b/a Cape Cod Country Club, 48 Theatre Drive, Hatchville

Edward Christiansen noted he has been Asst. General Manager for 6 years, wants to keep the TIPS program, they have had no issue there for many years. He is now the General Manager and Director of Golf. Mr. Patterson told Mr. Christiansen that he is responsible for the alcohol services at the club.

**Ms. English Braga motion approval. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

- c. Approve application for nine (9) Special One-Day All Alcoholic Beverages Licenses – Cape Cod Theatre Guild – Highfield Theater, 58 Highfield Drive – October 22, 23, 24, 29, 30, 31, November 5, 6, 7; Friday and Saturday hours 6:30 – 9:30 p.m. and Sunday hours 1:00 – 4:00 p.m.

**Mr. Patterson motion approval. Second Ms. English Braga. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

- d. Approve application for a Change of Officers of an All Alcoholic Beverages Common Victualler License – 99 Restaurants of Boston LLC d/b/a 99 Restaurant & Pub, 30 Davis Straits, Falmouth

**Mr. Patterson motion approval. Second Ms. English Braga. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

### 2. Administrative Orders

- a. Approve Eversource petition to install approximately sixty (60) feet of 4” conduit and one (1) handhole southeasterly from new handhole at base of pole #215/5 on Fairview Avenue, Falmouth. This work is to be done to provide electric service to 66 Allen Avenue.

Mr. Suso noted no concerns were raised by the public or abutters.

Mr. Patterson noted recommendation from the Town DPW Engineering Division.

**Ms. Scott Price motion approval. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

- b. Authorize letter to Steamship Authority regarding Long-Term Parking and Excise Tax  
Julian Suso noted in packet is the language he will include in the letter with the Select Board's concurrence.

**Ms. English Braga motion approval. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

- c. Vote to accept donation in the amount of \$712.80 from the Old Stone Dock Association to the Beach Department Donation Account to fund the 16 window boxes at the Ellen T. Mitchell Bathhouse at 56 Surf Drive

**Mr. Patterson motion approval. Second Ms. English Braga. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

- d. Vote to expend funds from the Beach Department Donation Account in the amount of \$712.80 to pay the Soares Flower Garden Nursery invoice for flowers and planting services

**Mr. Patterson motion approval. Second Ms. English Braga. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

- e. Authorization to extend temporary outdoor restaurant seating approvals from November 1, 2021 to April 1, 2022

Chair Brown attended a summit in Plymouth last week with Jackie Chan and Sue Moran listened to restaurant owners who reported the benefits of it and would like more time.

Scott price asked if the application forms came from the State and can we add questions to them. Mr. Suso's understanding is that they are forms under the Governor's orders. They have received complaints and she would like the opportunity to at least consider complaints or contingencies. Ms. English Braga said this allows for the permits, it does not make it automatic; still allows the Select Board and Town departments to weigh in.

**Mr. Patterson motion approval. Second Ms. Scott Price. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

- f. Recommendation to Zoning Board of Appeals on request for flow neutral bylaw variance for development at 763 Main Street and 24 Scranton Ave.  
Mr. Suso noted a draft letter in the Select Board packet.

Mr. Johnson-Staub said that any project that is not a 40B, the Zoning Board holds a flow neutral bylaw hearing. When the project is a 40B, the determination of a variance is made by the Zoning Board of Appeals. The Select Board makes referral to the ZBA on the subject. Health agent and Wastewater Superintendent found this meets the requirements for a variance under the flow neutral bylaw and the Select Board has identified priorities, including affordable housing which this is for, it is a 48 unit affordable rental housing development for individuals over 62 years of age. He encouraged the Zoning Board to approve the comprehensive permit without reduction of the number of units.

Ms. English Braga disclosed that at one point she handled a summary process matter for Falmouth Housing Corp, nothing to do with projects of this nature. Ms. English Braga may recuse herself from this vote.

**Mr. Patterson motion approval. Second Ms. Scott Price. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

- g. Authorization for a proposed letter from the Solid Waste Advisory Committee to Cape Cod Commission on proposed Bourne landfill expansion

Alan Robinson will send the letter.

Mr. Patterson asked if thought has been given to the long-range solution to this problem.

Mr. Robinson said alternatives are landfills that can be accessed via rail. Waste reduction is important, and they are working to do things on a local basis to encourage food waste reduction.

**Ms. English Braga motion approval. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

Mr. Suso noted the Select Board has already sent a letter, this would be a letter from the Committee.

## **PUBLIC HEARINGS**

1. Vote to Adopt Stormwater Management Rules and Regulations, continued from 8/9/21, 8/30/21  
Ms. English Braga read the hearing notice.

Mr. Suso said they have been reviewing the most reasonable process moving forward to appeals to DPW implementation. Atty. Duffy believes any appeals should go directly to the Select Board rather than the Conservation Commission. Mr. Suso recommends the Select Board vote to adopt these rules and regulations.

Mr. Patterson noted p. 16 with list of fees, but rather not have it in this document, so that the Select Board has the ability to set fees in the future.

Mr. McLoughlin said the fees cover incidental costs of the review.

Ms. English Braga asked when voting the fees for certain things, are those fees in other policies and we are just voting them as they do throughout the year? Ms. English Braga agrees to whatever Atty. Duffy finds appropriate.

Atty. Duffy said they can be left in and add language that they are subject to review on an annual basis by the Select Board acting in accordance with the bylaw.

Chair Brown asked what ordinary roadway maintenance will be exempt. Jim McLoughlin said normal paving will be exempt from the bylaw. Mr. Brown feels there are many roads that need drainage, and it is a shame to exempt the Town from looking at that.

McLoughlin said that any place we are in a resource area or close to a resource area, the DPW is making accommodations.

The Town could take it upon themselves to do some drainage improvements on these redevelopment projects, if there is no place to put storm water, you are still allowed to repave that road.

Mr. Brown is concerned about the annual reporting being cumbersome. Why report on a project that is complete?

Cathal O'Brien, Water Superintendent, explained that under the permit the Town is required to report to the EPA what has been done annually from a maintenance standpoint; were they reviewed/inspected, by whom, and what type of improvements need to be made. The Town needs to establish the long term maintenance for these long term BMPs.

Ms. English Braga asked Atty. Duffy if we do not include the language as it is now, are we setting ourselves up where we cannot do a project because of it?

Atty. Duffy is unable to answer the question at this time, he did not participate in drafting of these regulations. Mr. McLoughlin and Mr. McConarty have been trying to get the Town to adopt to comply with federal law.

Mr. Suso said that Mr. McConarty reminded that repaving roadways is considered maintenance and therefore exempt from federal stormwater regulations; the DPW includes drainage in all their projects.

Mr. McConarty said they have been working on this for many years, know the roadways they work on and know which ones are in jurisdiction of the Conservation Commission and want to improve the drainage. So the goal is to go in and abide by the stormwater regulations as much as practical, and try to capture the water before getting to the low points. The regulations say repaving is maintenance and they do \$2-3 million worth of roadway work each year.

Mr. Brown is wondering why we need to exempt the maintenance and he feels if we adopt the regulations, we should all live by them. Unless it is burdensome to the repaving process, he does not like the exemption language.

Ms. Scott Price said that possibly the exemption is because the drainage does not change when repaving.

Mr. McConarty said many storm drains are in place and many work, the trick is cleaning the basins out and we are at a point where we do not have the basins filled up to the top. If the basins are good and working, we keep them; if not, they are replaced.

Mr. Brown asked if they takeout the language for the exemption, how will this affect you? Mr. McLoughlin said that as long as they have the option where there is no alternative, that would be fine.

Mr. Brown noted annual reporting is a State requirement.

Mr. O'Brien said the Town is required to report to the EPA annually, however the templates provided by EPA do not totally match the permit.

Mr. Patterson attended a meeting 5-6 years ago about the system and tracking maintenance done, the Town purchased a piece of equipment that automates the process.

Mr. McConarty said all basins are logged into the GIS system and they log when all basins cleaned out. There are about 3,600 basins in Town.

Mr. O'Brien explained that the Town tracks regularly, the annual report goes to the EPA, and tomorrow he will be submitting a report to the EPA.

Mr. Patterson asked if the Town has adequate staffing to keep up with all of this? Mr. McConarty said it is challenging, but something they do continually. At some future point they may need to consider adding staff.

Ms. English Braga noted #10 on the last page is the waiver language. This gives four reasons, she wants to make sure that if there is a situation that is appropriate, it should be waived. She wants to make sure they strike the balance and do not do anything in this language that will be binding.

Chair Brown noted if no room for improvement, that would be a waiver.

Mr. Patterson suggested defining what does not need to go through the routine review, such as potholes.

Mr. McConarty noted there are different types of storm drains, but if they start doing vegetative wetlands, it becomes burdensome to the DPW to stay on the maintenance schedule. In years past they added additional basins so they can catch as much as they can.

Mr. Patterson suggested a preliminary review of the project. Little Pond Place was forced by the Conservation Commission to review the runoff from the parking lot, which was not owned by the Town, but the Town had to control the runoff and the DPW tried to handle the runoff from that parking lot. Cost was about \$25,000 and had paid to hire someone to address it, the money came from the Affordable Housing Fund.

Mr. McConarty said they need to think about this; there are 250 miles of roadway in Town, if looking at stormwater regulations to do stormwater on all roadways and all projects they have every year, the projects will be slowed down and more expensive. The Town will not be able to do all the roads.

Ms. English Braga noted we are situated differently than private parties, we are DPW, the Town is trying to provide a vast amount of work for the entire community. The third party review seems to be appropriate here and there, but not practical for regular projects.

Chair Brown said there are different quality of construction; with unlimited budget, one could do all kinds of additional things on every project. When building affordable housing, best practice may be keeping it basic, keep drainage to a minimum and do what's necessary to control water and runoff on your property. He received feedback from local engineers, they say it is one thing to have the DPW review your plans and say not meeting minimum. But a third party engineer may have a higher quality of what was originally proposed, paying a guy to design it again and at a higher level than what was originally designed; raising cost of paying him, doing more work, and more time. It is a contentious situation.

Ms. English Braga said that Chair Brown is talking about a policy the Select Board could review; third party review by private owners v. requiring the Town to get a third party review. She does not feel the third party review for Town projects is feasible.

Mr. McLoughlin explained they do review in house; the DPW review is always straight forward and simple, there is no standard above and beyond what is already in the Town code. Mr. Brown said that is a good process. However, the feedback he has received from 40B developers and their engineers, is that when it is a third party outside engineering firm is when the tension is rising and not what they are used to. It is almost like a challenge to do better. The DPW review is normally straight forward and simple projects, most cases a 40B type project, large property. They go through a similar review with the Zoning Board, so the DPW does not add a review because it is the same standard regarding stormwater management and drainage requirements of the State.

Chair Brown would consider a motion for not exempting ourselves as a Town from this and other language could be added noting best practice would be for the Town to have third party, if possible. He is concerned the 1 acre+ is a trigger. Mr. Johnson-Staub noted that it is not the total property, but the amount of land that is actually disturbed.

Chair Brown asked if third party review is always required? Mr. McLoughlin said it is a consideration for each board, but his experience has been that in other communities it is more common than not that it is a standard practice, so he expects that will continue. Chair Brown noted he talked with Mr. Bott about it, who was surprised that Falmouth uses it because we are old school having in house staff review the plans. Chair Brown would like to hire someone who just offers plan review and would like to talk about it with the Select Board; it is a service the Town is taking away and the Select Board should have considered this policy issue. Chair Brown noted that Atty. Ament was asking for relief from third party review at a Planning Board Meeting last week.

Mr. Suso is not aware of a formal Town policy, each board is independent, and can choose to apply it.

Chair Brown would like to see the Engineering Department continue to review these and hold them to the standard of what is in the bylaw. Mr. McLoughlin said there are probably situations where another board implements a 53G review that will overlap it and they can provide whatever review is needed on their end for nearly all of these projects. May be an instance where something is so large and not a 40B, they may require assistance, but on a limited case. Storm water management reporting and the State's storm water handbook are things that would normally be reviewed and a policy they would hold applicants to; it is spelled out by the MA DEP, the Stormwater handbook, and what the applicants would do through the EPA. There will be overlap with what is already accepted and what the Town regulations require. The EPA is mandating towns adopt those regulations as well.

Chair Brown motion to amend the regulations to not exempt the Town from stormwater regulations.

Ms. English Braga suggested voting this as is for now, that does not mean they cannot be amended in the future if they have more specific language. This is very overdue, and they need something in place now, then work on more specific language.

**Ms. English Braga motion to Adopt Stormwater Management Rules and Regulations tonight subject to review and possible amendment in the future. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

2. Vote to Adopt an Order of Taking for the Layout of Winthrop Drive (East Side)  
Mr. Suso said that it came to their attention that this required notice to adjacent property owners, when notice went out it was anticipated to be an in person meeting, switched to Zoom. Some residents anticipated coming to Town Hall for the hearing, so he suggested carrying to 10/4/21 to accommodate those who want to be present.

Public comments: Several members of the public were available via Zoom and looking to speak on it favorably.

Atty. Duffy suggested doing it next week.

This does not delay the project, it will go to Town Meeting anyway and does not change the timing of it.

**Mr. Patterson motion to move this hearing to 10/4/21. Second Ms. English Braga. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

3. Shade Tree Hearing – on application by the Falmouth Parks Department for the removal of two (2) American Elm trees at 300 Main Street, Falmouth

Ms. English Braga read the hearing notice.

Atty. Duffy noted there are no specific abutters to this case.

Jeremiah Pearson, Tree Warden, both trees are defoliated, severe decline for last 5-6 years, this year succumb to the blights. No way to bring them back, would like to remove them before they become an imminent hazard. The trees grew out of their growing space and caused stress which killed them. He will come up with a plan of what to plant.

Ms. Scott Price asked why these trees or trees like this have to come to the Board? Mr. Pearson explained that due to the historical value of the trees and location on Main Street, people have a connection with these trees, and this gives residents the opportunity to give comments.

**Ms. English Braga motion to close the hearing. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

4. Flow Neutral Bylaw – Evaluation of Request for Variance – Eel Pond Realty, LLC – 87 Water Street, Woods Hole (parcel 49A 01 003 000), continued from 9/13/21

Ms. English Braga read the hearing notice.

Atty. Bob Ament asked that Jeff Parish be elevated. Atty. Ament said the case for the variance is well set forth in the application letter, proposed restaurant use has been reviewed favorably by the Planning Board and ZBA. 830 people have signed a petition to the Board of Appeals in support and the Board of Appeals voted unanimously for this. The market has been there for 100 years, it is a difficult business to sustain, local competition, parking is a problem, and it is a challenge. They would like to stay open throughout the year. Proposing a restaurant, so that food will not go to waste, better for giving jobs and attracting people year round. They have a deli and 69 seats that serve the deli operation. The restaurant will have fewer seats, but active more hours a day than the deli. The adjacent property Captain Kidd has 304 person capacity, Shuckers has a greater occupancy as well. There is a history of Select Board granting variances under the Flow Neutral Bylaw such as Estia that replaced a bank is an example. There is capacity in the sewer system for the proposed flow, a septic system cannot be installed, the public will be served by keeping the only grocery store in the village.

Chair Brown asked for a stipulation that the market not go away; condition the operation of the restaurant contingent upon operation of the market. Atty. Ament said if there were changes that would affect capacity, there would be an increase in flow and requirement to come back to the Select Board, he suggested that any change in use of the property would require the review of the board.

Atty. Ament said there is every intention to continue the market, the decision of the architect access board allows use of the property with a variance the State granted for the market and restaurant. He suggests a requirement to return to the Select Board to review the decision if there are any changes to the operation on the first floor. It is possible that the capacity of the municipal system will be different in the future and there might be plenty of capacity available, if that is the case it would not be appropriate to limit the uses.

Mr. Parrish has no intent to remove the market from Woods Hole. Anything he does he pulls permits for, so he would have to go in front of the appropriate boards anyway.

**Ms. English Braga motion to close the hearing. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

Public comment: none.

**Ms. English Braga motion approval. Second Ms. Scott Price. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

5. Wetlands/Dock Hearing – Chapoquoit Associates – Installation of two 12-inch timber piles on existing licensed timber pier adjacent to licensed and existing stone jetty in and over the waters of West Falmouth Harbor, located at 20 Associates Road, West Falmouth

Chair Brown read the hearing notice.

Mr. McGrath shared his screen during his presentation. The plan is to add to the structure. The project is located at the entrance to West Falmouth Harbor; he reviewed a map of the area and diagram of the structure. There is an existing stone jetty with a walkway on top, timber pier to the side, and ramp down. The residents of Chapoquoit Island have right to do this; proposing to add two pilings. When people use this in peak times it is difficult to tie boats up because the ramp takes most of the space. Adding the piles would increase the capacity for people to get to their boats. They have Conservation Commission approval for this, need to amend the waterways license, and need a Corps of Engineers permit. He asked the Select Board to approve the 2 proposed piles, there are no significant weeds or significant habitat where these pilings are proposed.

Mr. Patterson thinks this adds to the safety of people getting in and out of their boats.

**Ms. English Braga motion to close hearing. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

**Mr. Patterson motion approval. Second Ms. Scott Price. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

6. Wetlands/Dock Hearing – Teague I. Campbell – Reconstruct pier, ramp and float on the same general footprint as the existing dock in and over the waters of Rand’s Canal, located at 147 Bay Road Extension, North Falmouth (rescheduled)

**Ms. English Braga motion to continue the hearing to 7:30pm on 10/25 at the request of the applicant. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

## **BUSINESS**

1. Discussion/update on COVID-19 issues
  - Masking discussion

Scott McGann, Health Agent, trending down recently in new cases, total case count is 1,927. Incidence rate is what your daily cases would be if you had population of 100,000. Positivity is dropping, about 1,300 tests per week in Town. Hospitalizations 4-7 a week, vaccination rate 80% of all eligible residents are vaccinated. 161 administered doses this week. He is doing school-based clinics, did one this past week. Booster shot eligibility was reviewed.

2. Presentation on proposed Police Department renovation

Jennifer Mullen, Finance Director, explained the Finance Committee will visit the station this week, project budget in the packet and is about \$1.8 million dollars, construction estimate \$1.3 million, they put \$150,000 in the budget for a generator to replace the 15 year old generator. Floorplan for rear and front were discussed, this is essentially a first floor renovation that addresses safety concerns. There is money for HVAC, they will switch out the boilers. There is a different issue regarding Covid-19 and getting more airflow into the station, which has been addressed and more air purifiers are being ordered.

FPD Chief Dunne there are safety issues and privacy for staff such as domestic violence staff; it modernizes what they have. The roof was repaired 5-6 years ago. The generator is 15 years old, there have been problems with the generator and it runs the dispatch; we lose communication to police and fire. They have a portable backup generator through Homeland Security, separate plugin box in the back of the building for dispatch.

3. Presentation and Vote on Applications for Funding from Falmouth Affordable Housing Fund

- a. Acting as Trustees of the Falmouth Affordable Housing Fund, Vote on application from Falmouth Housing Corp. for \$2,300,000 to construct 48 units of affordable rental housing at the intersection of 763 Main St. and 24 Scranton Ave.

Mr. Johnson-Staub noted this is the first time the Select Board is voting as trustees as the Falmouth Affordable Housing Fund, is the largest award the Select Board has voted on, and the units are deeply affordable; rents will be based on 30%, 50%, and 60% area median income. This would bring the balance of the fund down to \$481,000. The project is located at the Former Cape Cod Bank location across from the Senior Center, on the Town sewer system, great proximity to local businesses, and direct access to the fixed bus route.

Chair Brown believes this is a great value of \$48,000 per unit and he appreciates the economy of scale they are achieving here. Can we consider incorporating solar panels? This would reduce the electric costs for tenants.

Linda Clark noted they talked with engineers last week and are discussing provisions to accommodate solar, there has been no decision yet. This is deeply affordable, rents range from \$547-\$1,009 including utilities except electric. Self-contained management, 24 hours service, maintenance, and they will likely expand their staff in 2022. There is an office on site for a full time tenant coordinator to assist in coordinating doctor appointments, transportation needs, etc.

Ms. English Braga noted the benefit is that the level of care and maintenance that other projects Falmouth Housing Corporation has had is important; this level of stability and consistency is key. This will be a place that is welcoming and where folks can make their home.

Mr. Johnson-Staub noted a motion in the memo that he encourages the Select Board to consider for this project.

Ms. English Braga recused herself from this vote because of the prior disclosure and abundance of caution.

**Ms. Scott Price motion that the Select Board, acting as Trustees of the Falmouth Affordable Housing Fund, vote to authorize a grant of \$2,300,000 to the Falmouth Housing Corporation for the construction of 48 units of affordable rental housing for seniors age 62 and older at 24 Scranton Ave. and 763 Main Street subject to terms and conditions as deemed appropriate by the Town Manager in consultation with legal counsel and authorize the Town Manager to execute. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Chair Brown, aye. Abstain: Ms. English Braga. Absent: Dr. Taylor.**

- b. Acting as Trustees of the Falmouth Affordable Housing Fund, Vote on amended application from Megansett Crossing, LLC for \$855,500 for 10 units of affordable rental housing at 676, 688 and 702 North Falmouth Highway:

**Ms. English Braga motion to approval to extend the date of expiration for funding award to December 26, 2021. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

- Increase original Falmouth Affordable Housing Fund funding award of \$650,000 by an additional \$205,500 for a total of \$855,500.

Michael Galasso reviewed the project, 10 units in 5 duplex townhouse buildings, all units affordable in perpetuity, meets energy star requirements, all electric units, powered by heat pumps and split units, play space, community garden with plots for each unit, electric car charger in each garage, exterior lighting electric lamps, connected to Open Cape high speed internet, and on Cape transit route. He has two letters of support for the additional funding, they have applied to MA Housing and DHCP for additional funding due to the increase in construction costs. When he originally submitted the project with rooftop solar and 12 units, he had to decrease to 10 units, had to convert to rental units and remove solar. Discussion at Community Preservation Committee about alternatives to the Town providing financing for solar, they have not identified any resources that will subsidize solar panels. They will buy the solar system and tenants will benefit. Funds from Cape Club development were included, \$490,000, are to be collected from the developer and sent to the Town.

Chair Brown appreciates the solar being put out to bid.

Mr. Suso noted that the comment about seeking funds from Cape Cod Commission to allocate for this purpose, that item is not on the Select Board agenda and is a multi-step process that would require the Town to take multiple actions and make available on a reimbursement basis.

Mr. Patterson noted \$2.3 million subsidized 48 units, only about \$400,000 left in the fund and he serves on the working group; they do not feel the money should be authorized for affordable energy when they could be used for other units; there are other sources to pay for renewable energy. It is a change order and there is only so much money left in the fund. The Working Group recommends holding it and if it's reconsidered in the future, the Select Board can revisit it. Purpose of the fund is to subsidize development of additional units of affordable housing.

Ms. English Braga noted that if they originally made this their package, it would have been this is what the development looks like and proposing them to be energy efficient. This project is a deliverable ready to go after many hurdles.

Ms. Scott Price said that if the solar panel amounts were added at the beginning of the project, we would still below the threshold of \$100,000 and likely approved.

Mr. Johnson-Staub noted that the Select Board cannot approve an application to the fund until it receives a recommendation from CPC first, however the Select Board is not bound by the CPC. The CPC voted to recommend the extension but did not recommend approval of the additional \$205,000. The CPC recommended the \$2.3 million for the previous application. They consulted with the Cape Cod Commission about what the process would be to access those funds. It is essentially a written letter of request. For creation of affordable housing in Falmouth, send letter describing the project, it would be on a reimbursement basis. It is unknown how long it would take to get approval.

**Ms. English Braga motion to authorize the Town Manager to engage in that process to write the letter. Second Mr. Patterson. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

#### 4. Report – Council on Aging

Jim Vieira noted during this fiscal year, the council was meeting via Zoom, then began in person in the new building. They have two new members on the board this year, Brenda Swain stepped down after 3 terms. This is his final year, since he is finishing his third term.

Jill Irving Bishop made a PowerPoint presentation. The center was closed to the public during fiscal year 2021. Services include transportation, grocery delivery, outreach services, counseling, support groups, information and referrals, food distribution to homebound seniors. Assisted with vaccinations by providing transportation, homebound vaccination outreach, Enrollment at new center is 1,252.

Ms. English Braga noted the location and how it is integrated into the campus, central, and accessible.

5. Petition Article Presentations for November 2021 Town Meeting:

- a. Present Petition Article # 22 – Courtney Bird  
Art Gaylord and Courtney Bird.

Mr. Gaylord is asking to establish a municipal light plant under Ch. 164 MGL. This vote is the first step in a multi-step process. The Town shall have two votes on this at least 2 months apart but not more than 13 months apart. They would like this Town Meeting to take that first step. The next step is for the Town to decide how to administer this, could be the Select Board or municipal light plant board. Then a manager would be hired. There are no other MLPs on the cape, Fairhaven and Milton are doing it, there are about 50 in the State.

Ms. Scott Price believes it is important to for them to talk about their experience and expertise and why the group is fit to lead this charge.

- b. Present Petition Article # 23 – Nathaniel Trumbull  
Quiet hours for trucks on roads in residential neighborhoods and next to residential neighborhoods. Proposed quiet street hours 11pm to 6am. Generally, more affordable properties in Town are in closer proximity to these roads. Smart Citizens Task Force looks forward to the adoption of this article.

- c. Present Petition Article # 24 – Christopher McGuire  
Funds in the amount of \$150,000 for the Complete Streets projects for State and Local grants. The Pedestrians and Bikeways along with the Transportation Management Committees support this initiative. Complete Streets accommodates all users, creates a roadway network, accommodate all transportation modes, and the DPW has been a partner to the Town and Committee. These funds are for design work to create a log of shovel ready projects; this demonstrates the municipal commitment to the project. Falmouth is close to finishing a Complete Streets prioritization plan, there are other programs as well.

- d. Present Petition Article # 25 – Nathaniel Trumbull (Becky Connors presenter)  
Transfer \$30,000 for purchase of 6 permanent LED signs.

Ms. Connors is an innkeeper and resident living on Woods Hole Rd. These speed signs would benefit the community in crossing Woods Hole Rd. Ferry Embarkation Fee Fund asterisk is included on the documentation because they may be included in public safety, infrastructure, within or around the Town. Ms. Scott Price suggested putting the URL in the explanation.

6. Initial Discussion of Right of First Refusal on 31.7-acre property on Rt. 151  
Property adjacent to the Ballymeade, Chair Brown wanted the Select Board to be aware of this first refusal. The train track runs along this property, could potentially bring rail service to Falmouth. Bourne is advocating for elimination of the rail and may be getting traction with legislatures to eliminate the rail in Falmouth and the trash train, any rail needed could be accessed in the Sandwich area. The Select Board could ask Mr. Suso to investigate the options.

Ms. English Braga believes there are things out of the Town's control, she would like to know the price point, what the land looks like, potential for development, of that 31 acres, what might be developed, and noted there are power lines in the area. Potential for needs the Town may have. The bike trail piece, there is a new potential proposal for how that bike trail may happen. May be tied into the bridge projects, which will have many steps along the way.

Scott Price had questions about the status of the land, zoning, and she is glad to talk about it early. She would like the current owner to give a tour of the property with the Select Board and interested community members. If the Town wanted to purchase it, would this go into the capital budget or buy with free cash?

Mr. Suso said likely end of October. Working with Town Counsel and others to gather information about this and make informed judgements. Chair Brown asked Mr. Suso to reach out to the Bourne Town Administrator regarding the status of the train and status of the current rail trail idea.

Mr. Patterson said there was a concept for this parcel 10-15 years ago for mixed use, it was defeated at Town Meeting because the Planning Board gave a negative referral because it created a Town center where a town center did not belong.

7. Review and Vote to Approve minutes of meetings:

Chair Brown asked about how to enforce best practice to have the meeting minutes for the following meeting. Mr. Suso noted there is no easy answer. Ms. Scott Price asked if interns are hired for clerical work, Mr. Suso said they do and advertise periodically.

Public Session:

July 12, 2021

**Mr. Patterson motion approval release for public access. Second Ms. Scott Price. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

August 26, 2021

**Mr. Patterson motion approval release for public access. Second Ms. English Braga. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

August 30, 2021-in draft.

8. Individual Select Board Members' Reports

Mr. Patterson:

Wampanoag community had celebration Saturday was held at Highfield Hall with exhibits, supported by the Rotary Club and Highfield Hall.

Attended Cape Cod Transportation Advisory Board meeting.

Ms. Scott Price:

Wampanoag Day was celebrated at Aptuxet Trading Post Museum a couple weeks ago.

Chair Brown:

Attended tour of the Rod and Gun Club renovation/restoration of the wetland.

9. Town Manager's Report

Mr. Suso attended the Finance Committee meeting, Sandwich Road Fire Station Building Committee, and the FPD swearing in and recognition ceremony. Next regular Select Board meeting will be held on 10/4/21.

**Ms. English Braga motion to adjourn at 11:11pm. Second Mr. Patterson. Mr. Patterson motion approval release for public access. Second Ms. Scott Price. Roll call Vote: Mr. Patterson, aye; Ms. Scott Price, aye; Ms. English Braga, aye; Chair Brown, aye. Absent: Dr. Taylor.**

Respectfully Submitted,

Jennifer Chaves

DRAFT

## **BUSINESS**

### 10. Town Manager's Report

## REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso

DATE: October 1, 2021

JMSuso

- As your upcoming meeting of Monday, October 4 convenes, I will be most pleased to introduce the Town's new Diversity, Equity and Inclusion Officer, Ms. Jacquelyn Hartman!
- I will also be requesting that the Board affirm my appointment of Mr. David Lovering as the Town's new Building Commissioner. I also ask that the Board waive the residency requirement at this time, as Mr. Lovering currently resides in southern New Hampshire, with plans to relocate.
- Under Summary of Actions, I am asking the Board to authorize a letter of support for a grant request from WHOI in pursuing additional federal funding for their proposed CWater Project. A preliminary draft letter is in your Board packet. I also ask the Board to authorize my working with the State to pursue inclusion of Blue Tech and the Town of Falmouth in their pending ARPA authorization bill, this in collaboration with WHOI. WHOI is planning to have deputy general counsel Emiley Lockhart in attendance to answer any questions.
- The Board will convene a required Public Hearing to vote the Intent to Layout and Assess Betterments for Winthrop Place as a Public Way – this also on the upcoming November Town Meeting. I anticipate that we will have some residents of Winthrop in attendance and asking to speak.
- Select Board's "routine" update from Health Agent Scott McGann under "Business" will likely need to be delayed until later in the evening, as Scott is also involved in a scheduled Board of Health meeting which begins at 6:30PM in the Morse Pond School Auditorium on "poultry-related" issues and I do not anticipate Scott being able to join us until somewhat after 8PM.
- Within your Board packet is a summary recommendation on the demolition of designated, dilapidated buildings on the Andrews Farm parcel. This had been anticipated at the time the Farm was purchased by the Town, and funding for this is being requested of Town Meeting.
- As requested, I will be providing a brief summary of upcoming Town Meeting Article #12 (option \$ for potential NW Fire Station site). Although

the SB agenda also indicates a “discussion and potential vote on next steps,” this portion will be carried forward to your later meeting in October when Chief Smith can join us.

- You will be voting article recommendations for the November Town Meeting. With you Board packet, we will be providing a summary sheet of all Town Meeting articles which indicates those for which the Select Board has the recommendation. As you will note, all financial articles fall within the Finance Committee’s recommendation and zoning articles for the Planning Board. As per our standard staff procedure, we continue our work on the “explanations” (as contrasted with the “recommendations”) – the purpose of the explanation is to provide important details to explain the nature of certain articles.
- I provide a brief update on the Board’s continued interest in the proposed Scranton/Main Senior Project: the Zoning Board of Appeals has completed its first hearing on this project and their review process is well underway. We are guardedly optimistic as all moves forward on a challenging timetable. By Statute, this ultimate timetable is fully under the control of the ZBA.
- We look forward to joining in the Police Department’s Celebration of 100 Years of Extraordinary Service – this Ceremony to be from 12noon to 2PM tomorrow on the Police Department grounds!